

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT CLEVELAND

UNITED STATES OF AMERICA, CASE NO. 1:16-cr-260

Plaintiff,

vs.

TUESDAY, APRIL 24, 2018

RUSSELL DAVIS,

Defendant.

VOLUME 1, PAGES 1 - 87

TRANSCRIPT OF TRIAL BY JURY
HELD BEFORE THE HONORABLE CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Vasile C. Katsaros,
Assistant United States Attorneys

For the Defendant: Edward G. Bryan, Esq.
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16
17
18
19
20
21
22
23
24
25

Table of Contents

<u>Witnesses/Events</u>	<u>Page</u>
PRELIMINARY INSTRUCTIONS	3
OPENING STATEMENT BY THE PLAINTIFF	10
OPENING STATEMENT BY THE DEFENDANT	33
HOLLY LITZ	60
Mr. Corts - Direct	61
Mr. Bryan - Cross	79
Mr. Corts - Redirect	85

Preliminary Instructions

3

02:49:55 1 (The jury is present in open court.)

02:49:59 2 THE COURT: Good afternoon, everyone. Judge

02:50:00 3 Chris Boyko. Welcome to my courtroom and to the United

02:50:05 4 States District Court. You have spent most of the day

02:50:06 5 already with Judge Parker and counsel and Mr. Davis in this

02:50:09 6 case. It's my turn to take over and try the case.

02:50:12 7 Our order of business will be as follows: I'll give

02:50:15 8 you some preliminary instructions. After that, we will have

02:50:19 9 the opening statements of counsel and probably get in a

02:50:22 10 little bit of testimony today before we let you go. I will

02:50:25 11 not keep you late. I know you've been here since very early

02:50:28 12 this morning, so don't worry about leaving very late.

02:50:31 13 All right. So please listen closely.

02:50:31 14 PRELIMINARY INSTRUCTIONS

02:50:38 15 THE COURT: Under our law, the lawyers, the

02:50:42 16 jury, and the judge have separate duties. The lawyers

02:50:44 17 present evidence through witnesses to support their cases.

02:50:47 18 I make sure that only proper legal evidence is submitted to

02:50:51 19 you. As jurors, you have the exclusive duty for determining

02:50:53 20 two things: Number one, you decide the disputed facts.

02:50:59 21 Number two, you determine the believability, that is the

02:51:02 22 credibility, of the witnesses. In other words, I handle the

02:51:04 23 law; you handle the facts. I have no right to say or

02:51:08 24 indicate what your decision should be on the facts or the

02:51:11 25 credibility of the witnesses.

Preliminary Instructions

4

02:51:13 1 Regarding the law in this case, what I say goes. You
02:51:15 2 may not agree with me, you may not agree with the law, but
02:51:19 3 part of your oath means you accept the law and my rulings as
02:51:22 4 I give them.

02:51:23 5 Let the evidence guide you in this trial. Set aside
02:51:28 6 any impressions you get about how I feel about this case.
02:51:32 7 It's irrelevant.

02:51:33 8 After my remarks, you will have the opening statements
02:51:35 9 of counsel. The attorneys may tell you what they expect the
02:51:38 10 evidence to show. After opening statements, the Government
02:51:41 11 will present its evidence. Next, the defendant may present
02:51:45 12 evidence but need not.

02:51:47 13 After both sides have rested, the Court will address
02:51:50 14 legal issues without your presence and then call you back in
02:51:54 15 for instructions of law and closing arguments.

02:51:56 16 The Government has the right to argue first and last
02:52:01 17 since the prosecution bears the burden of proving the
02:52:04 18 defendant's guilt beyond a reasonable doubt.

02:52:05 19 Keep in mind that the opening statements, remarks
02:52:09 20 during trial, and closing arguments are not evidence. The
02:52:13 21 statements, remarks, and arguments of counsel will help you
02:52:16 22 understand the evidence. Naturally, counsel will also use
02:52:19 23 them to persuade you to see the case their way.

02:52:22 24 After arguments, I will give you the procedures you
02:52:25 25 must follow in reaching your decision. The case will then

Preliminary Instructions

5

02:52:29 1 be in your hands for a verdict.

02:52:31 2 During trial, I may call counsel to the bench or they
02:52:34 3 may ask to approach to discuss legal or procedural matters.
02:52:39 4 We do this out of your hearing to avoid confusion and also
02:52:42 5 limit your role to deciding factual matters.

02:52:45 6 If I think the legal discussion will take some time,
02:52:48 7 we'll excuse you for a break. If not, you'll remain in the
02:52:52 8 courtroom with my request for your patience.

02:52:55 9 Please keep in mind that the time that we spend
02:52:58 10 discussing matters at side bar cuts the chances of an
02:53:01 11 improper legal ruling and gives you a cleaner case to
02:53:05 12 decide.

02:53:05 13 Sometimes you'll hear counsel object to questions or
02:53:08 14 exhibits. If I believe the objection is sound, I will
02:53:11 15 sustain it. If I believe counsel is wrong, I will overrule
02:53:16 16 it.

02:53:17 17 Furthermore, your job is not to weigh the skill or
02:53:20 18 personalities of counsel. Don't evaluate the merit of their
02:53:23 19 questions. Find out the truth according to the evidence
02:53:27 20 received and the law as I instruct you.

02:53:28 21 Both sides are here as a matter of absolute right.
02:53:33 22 They are equally entitled to your fair and impartial
02:53:35 23 consideration without sympathy, passion, or prejudice.

02:53:38 24 A few procedural matters to keep in mind. If you have
02:53:42 25 any physical or personal problems, please raise your hand,

Preliminary Instructions

6

02:53:45 1 let us know. We'll try and accommodate you as much as
02:53:49 2 possible. Same thing if you have to use the restroom.
02:53:52 3 Please raise your hand. We don't expect to have any martyrs
02:53:56 4 on this jury.

02:53:57 5 As far as breaks, our normal course of business, we
02:54:00 6 will break mid morning, break for lunch, break mid
02:54:03 7 afternoon, break for evening. It all depends on the flow of
02:54:06 8 the case as to what time that occurs, but roughly it will be
02:54:08 9 the same.

02:54:08 10 I know you've been told by Judge Parker not to discuss
02:54:11 11 this matter with anyone until you are in that deliberation
02:54:16 12 room with your fellow jurors. And obviously that's
02:54:18 13 important. Don't talk to witnesses, attorneys, or anybody
02:54:21 14 else about this case, including family.

02:54:25 15 As far as this trial goes, this is your family for
02:54:27 16 purposes of this trial. And you can tell family and friends
02:54:30 17 that you'll be happy to discuss it with them after the trial
02:54:32 18 is over and a verdict is returned. If you know any
02:54:38 19 violation of these orders, please let us know. I will have
02:54:41 20 to deal with that.

02:54:42 21 If there's any delays, I apologize. We have every
02:54:45 22 intention of making valuable use of your time. We know it's
02:54:47 23 important. You're away from jobs, family, and friends, and
02:54:50 24 we understand that.

02:54:51 25 I believe that Judge Parker has also talked to you

Preliminary Instructions

7

02:54:53 1 about using any electronic devices, smartphones, to
02:54:57 2 communicate. Please don't do that. We've had lots of
02:55:00 3 trouble, not only in this district but across the country,
02:55:03 4 of people using smartphones, laptops, iPads, any kind of
02:55:09 5 electronic devices to communicate. "Hey, guess what
02:55:12 6 happened today? What do you think about this?"

02:55:14 7 Well, what happens in the end if that happens is that
02:55:16 8 you go home and we have to reseal another jury and start all
02:55:20 9 over again. We do not want to do that. So please, again,
02:55:23 10 don't communicate with anyone. And you may talk to anyone
02:55:27 11 you wish after this trial is over.

02:55:30 12 Do not conduct your own investigations. Don't read
02:55:32 13 law books. Don't surf the Internet for information on
02:55:38 14 anyone involved in this trial. Please, again, it's
02:55:40 15 important, ladies and gentlemen. We want to do it right the
02:55:41 16 first time.

02:55:45 17 You will be permitted to take notes during trial.
02:55:47 18 Please listen to this instruction. The Court will permit
02:55:50 19 those jurors who desire to take notes during the trial to do
02:55:52 20 so. No juror is required to take notes. The taking of
02:55:55 21 notes is entirely a matter of personal choice for each
02:55:58 22 juror.

02:55:59 23 The fact that the notes taken by a juror support his
02:56:02 24 or her recollection in no way makes that juror's memory more
02:56:07 25 reliable than that of the jurors who do not take notes. Do

Preliminary Instructions

8

02:56:10 1 not let the taking of notes divert your attention from what
02:56:13 2 is being said or is happening in the courtroom during trial.
02:56:17 3 Some persons believe that taking notes is not helpful
02:56:19 4 because it may distract a person's attention and interfere
02:56:22 5 with hearing all the evidence.

02:56:24 6 All notes are confidential matter for the
02:56:27 7 consideration of the jury only. Each note taker will leave
02:56:31 8 his or her notes in the jury room during all recesses and
02:56:34 9 until deliberations begin. At that time, you will be
02:56:37 10 allowed to use your notes during deliberations. All notes
02:56:41 11 will be returned to the clerk for destruction at the time
02:56:45 12 the jury is discharged to preserve your confidentiality.

02:56:47 13 Also, you will be allowed to ask questions of
02:56:54 14 witnesses. This is how we do it. After the attorneys are
02:56:56 15 done questioning the witness, I will turn to you and ask you
02:56:59 16 if you have any questions of the witness. Please do not
02:57:01 17 speak. You will write that question down on your notepad,
02:57:06 18 fold that over, hand it to Miss Huth. I will have it
02:57:10 19 recorded by the court reporter, and then I will go to side
02:57:13 20 bar and talk to the attorneys about your question.

02:57:15 21 Please keep in mind that you are still subject to the
02:57:18 22 same rules of evidence as if an attorney were asking that
02:57:22 23 question. So if it's objectionable if they ask it, same
02:57:26 24 goes for your question too. But we'll do everything we can
02:57:30 25 to have that question asked if permissible under the rules

Preliminary Instructions

9

02:57:35 1 of evidence.

02:57:35 2 And after those questions are either asked and --
02:57:38 3 asked and answered by the witness, I have the attorneys
02:57:40 4 follow up. They always get the last word. But that's how
02:57:42 5 we do it.

02:57:43 6 So you can take notes, sit there not take notes, sit
02:57:50 7 there take notes, ask questions, whatever your personal
02:57:53 8 preference. I'm trying to give you as many tools as you
02:57:55 9 feel individually comfortable with to help you during this
02:57:58 10 trial. That's the whole purpose of this. Okay?

02:58:00 11 Our aim in this trial is twofold. First, please try
02:58:05 12 and give us a hundred percent for the time that you are here
02:58:08 13 to the extent that you can. Look at it this way: If this
02:58:11 14 were your trial, would you want your jury to give you a
02:58:14 15 hundred percent? I think the answer is yes to that. So
02:58:16 16 please try and be as attentive as possible.

02:58:18 17 Second, we want you to leave here with a true
02:58:22 18 understanding of how things work in our justice system.
02:58:25 19 This is not TV. We wish we could package everything for you
02:58:28 20 within an hour. We cannot do that. The attorneys have
02:58:31 21 prepared very hard on both sides for this case, and I'm sure
02:58:34 22 that you will see that in action.

02:58:38 23 You may see a little bit of the good, bad, and ugly.
02:58:41 24 There may be some things you like, others you don't, some
02:58:44 25 things that you say are okay but could be improved. That's

Opening by Plaintiff (Katsaros)

10

02:58:47 1 okay. And you'll probably get a survey asking about that
02:58:50 2 when we're done with this trial. But it's important that
02:58:52 3 you think about it. And any way we can to improve the
02:58:57 4 system, we appreciate your input because there's always room
02:59:00 5 for improvement no matter what.

02:59:02 6 Finally, and my last point here, please do not let
02:59:06 7 anyone tell you that jury service is not important. You
02:59:10 8 stick up for the people who came before you, stick up for
02:59:13 9 yourself, and stick up for the people that will come after
02:59:15 10 you. Next to active military service, it is the highest
02:59:18 11 calling you'll ever have in this country. With the jury
02:59:26 12 system, we're the United States of America. Without it,
02:59:28 13 we're just another country. That's how all of my colleagues
02:59:34 14 and myself feel about this system. And if you ask any of
02:59:38 15 the judges, "Would you want to do away with the jury
02:59:40 16 system," you'll get a unanimous "no." Unanimous "no."
02:59:45 17 That's how strongly we feel about juries and our justice
02:59:51 18 system.

02:59:51 19 So with that in mind, Mr. Katsaros, are you ready for
02:59:55 20 opening statements?

02:59:56 21 MR. KATSAROS: I am, Your Honor.

02:59:57 22 THE COURT: Then please go ahead on behalf of
02:59:59 23 the Government.

03:00:07 24 OPENING STATEMENT BY THE PLAINTIFF

03:00:07 25 MR. KATSAROS: Good afternoon. I want to

03:00:08 1 thank all of you for your public-spirit activity today.

03:00:12 2 It's appreciated by the Government, and I know it's

03:00:12 3 appreciated by Mr. Bryan and Mr. Davis.

03:00:38 4 On March 7, 2016, at approximately 6:50 a.m., Cindy

03:00:45 5 Castro-White found her son, Jacob White, his room, and he

03:00:49 6 was cold to the touch. He had passed. He was only 23 years

03:00:52 7 old at the time.

03:00:53 8 It's a tragedy that as a parent, it's your worst fear,

03:00:59 9 outliving your children. Now Jacob's life is basically a

03:01:05 10 statistic in an epidemic that has overrun northeast Ohio and

03:01:09 11 specifically Lorain County. The question now is, how did

03:01:11 12 this tragedy happen. And that's what we're here today and

03:01:14 13 that's what you're here today to make a determination of.

03:01:17 14 As prosecutors, we always try to give our cases a

03:01:20 15 theme. It's almost like a theme throughout the case that

03:01:24 16 gives you a road map as to where we think the evidence is

03:01:27 17 going to lead you to.

03:01:28 18 In this case, the theme that I would present to you

03:01:31 19 is: Follow the phones.

03:01:34 20 Phones. We all have them. Our kids have them. Our

03:01:38 21 parents have them. As a society, we have become so

03:01:42 22 dependent upon phones, they have taken over our lives. We

03:01:46 23 can't go through our days. Our kids, we can't -- our kids

03:01:52 24 have them. It rules our lives. Those phones, though,

03:01:59 25 unlock maybe some of our greatest secrets.

03:02:02 1 Jacob Castro-White, ladies and gentlemen, he had a
03:02:06 2 secret. His secret was that he was addicted to opioids.
03:02:09 3 His mom didn't know about it. His girlfriend didn't know
03:02:12 4 about it. His friends didn't know about it. But in the
03:02:15 5 months leading up to this event, it dominated his life.

03:02:19 6 The phone evidence is the roadmap in this case. And
03:02:22 7 I'm going to ask you to look at it throughout.

03:02:26 8 Ladies and gentlemen, the Government's case today is
03:02:28 9 going to prove -- throughout this week is going to prove to
03:02:31 10 you that the defendant, Russell Davis, is a drug dealer.
03:02:33 11 How do we know that? We have his phone. We've looked at
03:02:38 12 his phone.

03:02:39 13 You will also hear testimony from Harry Karaplis and
03:02:46 14 Corey Stock as to their relationship with Mr. Davis over the
03:02:49 15 months leading up to Jacob's death. You will see that they
03:02:52 16 were in regular contact with him in the months leading up to
03:02:56 17 Jacob's death. And what was it for? It was for the purpose
03:02:58 18 of purchasing opioids, heroin and/or Fentanyl.

03:03:03 19 You'll see during this period of time, in the month or
03:03:06 20 so leading up, that there were 63 either phone or text
03:03:10 21 messages between Mr. Karaplis and Stock to Mr. Davis
03:03:17 22 outlining what was going on relative to their relationship.

03:03:22 23 You will also see a number of communications between
03:03:25 24 Jacob, Harry, and Corey Stock. And those communications
03:03:30 25 will lead you to what their relationship was. In essence,

Opening by Plaintiff (Katsaros)

13

03:03:35 1 it was a drug relationship. All kids in their early 20s who
03:03:39 2 had become addicted to opioids, who bought opioids together,
03:03:45 3 did them together. And specifically in the time leading up
03:03:48 4 to this, the person who they were buying from, who had the
03:03:51 5 best stuff, was Red, Mr. Davis. That's what they knew him
03:03:56 6 as: Red.

03:03:59 7 In terms of experience, you'll see that Corey Stock
03:04:03 8 had a raging addiction. He was approximately seven years
03:04:06 9 into his addiction for opioids. And he sort of was the guy
03:04:13 10 who would go grab -- when I say "grab," that means go buy
03:04:16 11 dope -- for the boys.

03:04:18 12 Harry Karaplis' and Jacob's addictions started in
03:04:24 13 September, the summer of 2015 and got progressively worse
03:04:28 14 prior to Jacob's death in March of 2016.

03:04:34 15 On most occasions, they would ask Corey to go. Why?
03:04:40 16 Corey didn't have a job. Corey would go to Mr. Davis. They
03:04:45 17 would pool their money together to buy drugs. And Mr. Davis
03:04:49 18 would -- excuse me, Corey would purchase the drugs from Red,
03:04:52 19 Mr. Davis.

03:04:56 20 Initially you'll hear that Red was Harry's connect,
03:05:01 21 his drug connect. He then introduced him to Corey.

03:05:10 22 You will hear testimony from Corey and Harry that as
03:05:13 23 addicts they're looking for the best stuff. Why? These
03:05:17 24 kids have limited funds. They're looking for the strongest
03:05:20 25 and most powerful drugs they can buy. They don't want to

Opening by Plaintiff (Katsaros)

14

03:05:23 1 waste their money buying bad dope. And at this time, the
03:05:27 2 good dope, the best dope, was coming from Red.

03:05:35 3 You will see during this period of time -- what you
03:05:39 4 won't see, excuse me, during this period of time is any text
03:05:42 5 message or communication between Jacob Castro-White, the
03:05:57 6 deceased, and Red. The evidence will be that he's never met
03:05:52 7 Red, he's never communicated with Red. But there are text
03:06:00 8 messages that you will see outlining that he knows who Red
03:06:02 9 is.

03:06:03 10 For instance, on 3/6, the day before his passing, at
03:06:08 11 8:18 a.m., Jacob texted Corey, "I stay high for a while off
03:06:13 12 Red's shit, which is good. What all are you getting from
03:06:16 13 Red?"

03:06:18 14 During this period of time leading up to Jacob's death
03:06:20 15 and even before that, a month before that, Corey, again, the
03:06:25 16 most experienced user, didn't know but suspected what he --
03:06:32 17 they were getting from Red was Fentanyl. He suspected it
03:06:35 18 based on the way it broke down when he would prepare it to
03:06:38 19 do a shot.

03:06:41 20 You'll see a text message actually in late January
03:06:45 21 where he actually sent a text message to Red which stated,
03:06:50 22 "Give me a second. I'll come and I'll do the thing in front
03:06:53 23 of you to show you the process." In other words, your
03:06:57 24 dope's too strong. I'll show you how to cut it.

03:07:00 25 Corey will testify that Red declined, said, listen,

Opening by Plaintiff (Katsaros)

15

03:07:04 1 I'm going to give it to you. You cut it in any way you
03:07:07 2 want. That's what Corey did.

03:07:10 3 Corey became the, quote/unquote, mixer for this group
03:07:15 4 of kids. They're not kids. They're adults. They're in
03:07:18 5 their 20s. And they have raging heroin addictions.

03:07:23 6 So what would Corey do? Corey wasn't working. The
03:07:25 7 other two were working. He'd go to Red's house, he'd buy
03:07:32 8 the dope. Then, on most occasions, especially when it came
03:07:35 9 to Jacob, he would cut it.

03:07:36 10 What do I mean by "cut"? He would dilute what he was
03:07:40 11 giving Jacob. Okay? He did that for two reasons.

03:07:42 12 One, he didn't feel like Jacob was at the stage that
03:07:45 13 he was at and could handle just how good the stuff was. And
03:07:50 14 second, it got him more drugs that he could handle -- that
03:07:55 15 he could have. So it was a two-part system for him.

03:08:03 16 Based on the text messages that we're going to show
03:08:06 17 you, you're going to see on March 5th, 2016, the day --
03:08:11 18 well, a day and a half before Jacob died, the evidence is
03:08:13 19 going to show, based on those phone records and the
03:08:15 20 testimony from Harry and Corey, that they purchased drugs
03:08:19 21 from Red at approximately 4 p.m. for the three of them,
03:08:23 22 okay? It was the same way. Corey went, picked them up,
03:08:26 23 brought them back to those guys.

03:08:28 24 The next day, on March 6th, 2016, the evidence is
03:08:31 25 going to show, based upon the text messages and Harry and

03:08:35 1 Corey's testimony, that they purchased drugs from Red again
03:08:40 2 on March 6 at approximately 1 p.m. that day. Okay? So
03:08:47 3 their addiction had really progressed.

03:08:48 4 Later that night, okay -- this is, you know, probably
03:08:52 5 12 hours before Jacob's passing. Later that night,
03:08:55 6 approximately, like, 7, 8 p.m., Jacob wants more dope, okay?
03:09:00 7 He wants more even though he had already bought some at 1
03:09:03 8 p.m. He communicates with Corey, "Are you going back to
03:09:07 9 grab?" "Are you going back to Red?"

03:09:09 10 Corey says, "Listen, I already went." Okay?

03:09:11 11 Now, for Jacob, he has no way to get to Red other than
03:09:16 12 through Corey and Harry. That's the relationship between
03:09:19 13 these guys. That's what he's dealing with. So who does he
03:09:23 14 reach out to?

03:09:25 15 He later at 10 -- excuse me, around 11 reaches out to
03:09:30 16 Harry. But before he does that -- and you'll see this in
03:09:33 17 the text messages. It's the last text message he ever sends
03:09:36 18 to Corey. And it says, "Yeah" -- and this is at 10:26 p.m.
03:09:42 19 on March 6. It says, "Yeah. I'll just wait for next time
03:09:47 20 with Red." He almost foretold what was going to happen to
03:09:53 21 him.

03:09:54 22 Without Corey again, he went to Jacob -- excuse me.
03:09:59 23 Without Corey, Jacob went to Harry. And you'll see a text
03:10:04 24 message. And he sends Harry a text message at 11:34 p.m. on
03:10:07 25 March 6. It says, "Were you thinking to throw down at all?"

03:10:13 1 Were you thinking to go buy drugs tonight? I need to get
03:10:15 2 some drugs. And again, specifically we're talking about
03:10:17 3 opioids: Heroin, Fentanyl.

03:10:19 4 Who does Harry reach out to? Of course he's going to
03:10:23 5 reach out to Red. And Harry starts texting and calling Red,
03:10:27 6 trying to see if he can hook up with him. And this goes on
03:10:31 7 multiple phone calls, multiple texts.

03:10:35 8 Finally, at 12:06, you'll see that Red returns Harry's
03:10:42 9 call, okay? He returns the call.

03:10:45 10 And Harry's going to tell you at that point the deal
03:10:48 11 is on. He tells Jacob, come pick me up at my house. Jacob
03:10:54 12 has \$30. Harry has \$20.

03:10:57 13 This is the first time, ladies and gentlemen, that
03:11:01 14 they -- it's these two together. It normally was Corey that
03:11:04 15 was always the one that would go grab for the group.

03:11:08 16 So you'll see the text messages, you'll see a phone
03:11:12 17 call back and forth between Red and Harry. And at
03:11:15 18 approximately 12:35, the evidence is going to show, they do
03:11:20 19 the deal in front of Red's house at 1823 Spring Garden in
03:11:27 20 Lorain, Ohio. And it's a \$50 deal for opioids. And it's in
03:11:30 21 a gum wrapper. Jacob waits in the car. Harry meets Red.

03:11:36 22 The evidence is going to show that after that, Jacob
03:11:40 23 and Harry head back to Jacob's house. Jacob lives only a
03:11:44 24 few minutes from Harry. And he was particular about keeping
03:11:48 25 his equipment, his instruments, his needles at his house.

03:11:53 1 They go back to Jacob's house. They immediately go --
03:11:55 2 he gets it, they go into the basement, Harry and Jacob.
03:11:59 3 They split the dope, okay?

03:12:02 4 At that time, Harry tells Jacob, hey, listen, Corey's
03:12:08 5 been diluting what you've been getting. He's been stepping
03:12:13 6 on it, as they say in the drug world. "Stepping on it"
03:12:17 7 means adding additives to it. Be careful how much you do.
03:12:22 8 Don't do too much.

03:12:23 9 Harry's going to tell you that Jacob does -- uses a
03:12:26 10 liquid, takes a hypodermic needle, does a shot, okay?
03:12:32 11 There's still drugs left. They get into Jacob's car. Jacob
03:12:36 12 and Harry head back to Harry's place, about a minute or two
03:12:40 13 away. Harry goes in, does a shot, passes out, okay? He's
03:12:46 14 going to tell you it was the strongest stuff he had ever
03:12:48 15 done.

03:12:50 16 What happens next? He wakes up about 2:50, 2:51 a.m.
03:12:57 17 Jacob's gone. He believes that his wallet was moved and
03:13:00 18 there was \$40 missing from it. That's what he's going to
03:13:03 19 testify to.

03:13:04 20 Jacob goes back to the house. What happens next?
03:13:11 21 Harry blows up his phone when he wakes up at approximately
03:13:14 22 2:51 p.m., calling, calling, calling, calling. He'll tell
03:13:18 23 you he was checking to see if Jacob was all right. He
03:13:21 24 called him about 15 times. No answer.

03:13:26 25 The next thing you'll hear is Harry does another shot,

03:13:32 1 passes out, doesn't get back up, he says, until
03:13:35 2 approximately 6:30 a.m. to 7 a.m. And as soon as he gets
03:13:39 3 up, he starts blowing up Jacob's phone. No answer.

03:13:42 4 Well, unfortunately, we know what happened at 6:50
03:13:46 5 a.m. That's where Jacob's found by his mom. She goes in at
03:13:51 6 that particular time. He has a -- what they call a foam
03:13:57 7 cone that you're going to hear from the coroner, the doctor,
03:14:00 8 that it's typical in an opioid overdose. He also has rigor
03:14:06 9 mortis in his right arm.

03:14:09 10 You'll also note that on a dresser in Jacob's room
03:14:12 11 there is an open gum wrapper with about .07 drugs in there,
03:14:17 12 okay? And those are collected, okay? There's a couple of
03:14:21 13 syringes. And right on that dresser also at his mom's house
03:14:26 14 you'll see that there's two spoons that are collected, and
03:14:29 15 those are taken as evidence in the case.

03:14:33 16 Everybody suspects at this time, based upon what they
03:14:35 17 see, the investigators when they go in that room, that Jacob
03:14:38 18 had died of an overdose. The coroner, Stephen Evans, goes
03:14:43 19 out to the scene also. He's there. He takes photographs of
03:14:46 20 everything. He inspects the body. And then he brings Jacob
03:14:50 21 back to the morgue, okay?

03:14:55 22 He's going to tell you then that he drew blood from
03:14:57 23 what we call the femoral artery. It's away from the heart,
03:15:01 24 and it's the best place to determine how strong the drugs
03:15:04 25 were in somebody's system. He takes it back, he draws that

03:15:09 1 blood back at the coroner's, and he sends it off to the lab
03:15:12 2 and they wait. They wait to see what's going to come back
03:15:15 3 with the labs. They wait to see what's going to come back
03:15:18 4 with the scene.

03:15:19 5 So what happens next? Well, an investigation begins.
03:15:25 6 Buddy Sivert, a detective with LPD, comes out to the scene.
03:15:31 7 And what's he trying to do? He's trying to find out who
03:15:35 8 sold the drugs that killed this kid. And really at that
03:15:37 9 point in time it's not even about finding him to arrest him,
03:15:39 10 it's about finding him so he can't sell drugs to some other
03:15:42 11 kid, some other adult, somebody else, and cause them to
03:15:48 12 befall the same fate that happened to Jacob Castro-White.

03:15:53 13 So after collecting all the evidence, taking it back,
03:15:56 14 he starts talking to witnesses. He talks to Jacob's mom,
03:16:00 15 Cindy Castro-White. He talks to Holly Litz, his girlfriend,
03:16:03 16 who says that she was with him for a substantial portion of
03:16:06 17 the night. He talks to every witness he can relative to the
03:16:11 18 incident.

03:16:11 19 He also finds Jacob's phone. He sees Jacob's phone in
03:16:15 20 the room. And he sees all of these missed calls from Harry.

03:16:24 21 At that point in time, he talks to Harry, at some
03:16:27 22 point, and asks him to come down to the station.

03:16:32 23 He also hears that Don Buchs was with Jacob over the
03:16:37 24 course of the night. He sends police over to Don's house to
03:16:40 25 interview Don Buchs to find out what he and Harry were doing

03:16:44 1 during the course of the night, trying to basically retrace,
03:16:48 2 find out where this kid went and how he ended up where he
03:16:51 3 ended up.

03:16:51 4 On March 7th you'll hear that Harry went in for an
03:16:56 5 interview with Detective Sivert. At that time, Harry had
03:17:03 6 just come off, had gotten up around 6:30, goes down to the
03:17:07 7 station. And you're going to hear testimony that he was not
03:17:10 8 truthful relative to what he told the police. You'll hear
03:17:12 9 that he did mention an individual named Red, but he never
03:17:16 10 told detectives at that time that he was with Jacob, okay?
03:17:21 11 Never told them that he went to grab.

03:17:26 12 So at that point, the investigation is still -- Sivert
03:17:29 13 is still trying to figure out where to go next.

03:17:32 14 That iPhone that I talked about, Sivert tried to get
03:17:36 15 into, to unlock it, to determine what the password was so
03:17:39 16 they could get into it. They had tried the password. They
03:17:43 17 actually even went down to Jacob's funeral and tried to use
03:17:47 18 the thumbprint to try and open it. They couldn't open the
03:17:51 19 phone.

03:17:51 20 What did they do? At the time he sends what's called
03:17:55 21 a preservation letter to Verizon Wireless. If you do it
03:17:58 22 pretty much immediately, the telephone company will send you
03:18:01 23 content messages from a certain period of time. He
03:18:04 24 requested from Verizon the text messages for Jacob Castro
03:18:10 25 from March 5th through March 7th. So he sends that letter

03:18:14 1 out for them to specifically hold those contact messages.

03:18:18 2 On March 18 -- he actually gets the messages back on
03:18:22 3 March 9, right? So he starts looking through them. And he
03:18:26 4 realizes, you know, Harry Karaplis is not telling the truth.
03:18:31 5 He sees some of the conversations that he's had with Jacob,
03:18:35 6 the references to Red. Who's -- he wants to know who Red
03:18:38 7 is.

03:18:38 8 At this time, you'll hear that when he brings Harry
03:18:41 9 back, Harry again comes in without an attorney. He starts
03:18:45 10 going through the messages with him, telling him what he
03:18:48 11 has, telling him, hey, listen, you're just a user. We're
03:18:51 12 not interested in users. We're interested in dealers.
03:18:54 13 Harry doesn't want to talk at that time. Asked Detective
03:18:58 14 Sivert if he should get an attorney. He says, yeah, you
03:19:01 15 better.

03:19:01 16 What happens next? March 22 of 2016, based on looking
03:19:07 17 at those messages, he sees what Corey's been talking to
03:19:11 18 Jacob about, this relationship that I referred to that's
03:19:14 19 been going on during this particular time.

03:19:18 20 He reviews those text messages, and he confronts
03:19:20 21 Corey. Corey says, hey, Red is Jake's -- is Harry's guy.
03:19:29 22 You know, "I know Harry went to meet Red that night, but
03:19:31 23 I've never dealt directly with Red." Okay?

03:19:39 24 April 1, 2016, Sivert calls Harry back in again. This
03:19:43 25 time Harry has an attorney, and he sits down and this time

03:19:47 1 he goes through the events of that evening. He talks to him
03:19:53 2 about what specifically occurred and who is Red. He tells
03:19:59 3 Detective Sivert where the house is located, that 1823
03:20:02 4 Spring Garden that I mentioned before. He talks to him
03:20:06 5 specifically about his phone number. He provides what his
03:20:11 6 vehicle is or the vehicle that he's seen him in. And he
03:20:14 7 later picks him out of a photo array that Sivert had
03:20:17 8 presented to him.

03:20:18 9 Sivert at this time, armed with what he knows from
03:20:22 10 Jacob, he goes out to that residence. And it's Spring
03:20:27 11 Avenue, I apologize, not Spring Garden. And he runs the
03:20:29 12 plate on that silver Buick that Harry had referred to in the
03:20:33 13 interview. And it comes back to Russell Davis, also known
03:20:36 14 as Big Red.

03:20:40 15 Now, during the course of that interview, Harry also
03:20:44 16 tells Sivert, hey, this guy called me a couple days ago. He
03:20:48 17 called me asking me where Corey was, blah, blah, blah, is
03:20:52 18 Corey snitching, blah, blah, blah.

03:20:54 19 So on April 12 Detective Sivert brings Harry back into
03:20:57 20 the station and asks him to place a controlled call. What a
03:21:01 21 controlled call basically is, they taped it, okay? Harry's
03:21:04 22 here, Sivert's here, they call Red.

03:21:08 23 They dial 216-526-8810, and Red answers the phone.
03:21:13 24 You'll have that phone call. We're going to play it for
03:21:16 25 you, okay?

03:21:17 1 Basically, he asks Harry, is Corey -- are the cops
03:21:23 2 sweating Corey? He wants to know if Corey's talking, okay?
03:21:28 3 Is he talking to the police. Because he hasn't "fucked with
03:21:32 4 him in a while." "Fucked with him" means he hasn't sold him
03:21:35 5 dope in a while. And this is on April 12. He also asked
03:21:38 6 Harry, you know, what's going on with the police in that
03:21:42 7 death case.

03:21:43 8 April 13, Lorain Police gets a search warrant for his
03:21:47 9 house. It's specifically a search warrant for that phone,
03:21:50 10 that 216-526-8850. They go to Red's house at 1823 Spring
03:21:58 11 Garden. And Red is outside. They arrest him and they find
03:22:01 12 that phone. That phone is located within the house.

03:22:08 13 After that, Detective Sivert interviews Red. And
03:22:12 14 we're going to play that interview for you. He denies --
03:22:16 15 basically denies being a drug dealer, and he probably gives
03:22:19 16 Sivert at least five different phone numbers, okay,
03:22:23 17 associated with the offense.

03:22:24 18 But there's something I want you to hone in on during
03:22:27 19 that interview, and it happened right at the beginning. And
03:22:29 20 you're going to see it when we play it. During the
03:22:32 21 interview, the defendant questioned Sivert.

03:22:33 22 He says, "Somebody said I sold them drugs and they
03:22:37 23 died." Right?

03:22:39 24 Sivert's response is, "Well, he definitely died."

03:22:42 25 And Red says, "I didn't sell him nothing. Now, did

03:22:46 1 somebody give it to him? Maybe."

03:22:49 2 I'm going to come back to that at closing and ask you
03:22:52 3 why Mr. Davis would say something like that. "I didn't sell
03:22:58 4 him nothing. Now, did somebody give it to him? Maybe."

03:23:01 5 So what happened next? Well, we still have to wait on
03:23:05 6 the coroner's verdict, and they're still waiting on that lab
03:23:08 7 to come back. They get the labs back relevant to what was
03:23:12 8 found at the scene. The two spoons on the dresser, okay, in
03:23:19 9 Jacob's room come back as Fentanyl. The open bindle that
03:23:25 10 we -- it's not a bindle. The open gum wrapper comes back as
03:23:30 11 heroin and Fentanyl, okay?

03:23:31 12 The blood work that we did relevant to Jacob
03:23:34 13 Castro-White, there's a reading level in there. There's a
03:23:39 14 high, high level of Fentanyl. It's 9.6 nanograms. And the
03:23:46 15 coroner's going to tell you that's extremely high. The
03:23:48 16 forensic toxicologist from the lab is going to tell you
03:23:51 17 that's extremely high.

03:23:52 18 So based upon that, based upon the police reports,
03:23:56 19 based upon him going out to the scene, based upon his visual
03:24:00 20 inspection of the body, based upon the drugs located at the
03:24:03 21 residence, and based upon what he finds from the toxicology
03:24:07 22 report, and again what he saw, that foam cone that he as a
03:24:13 23 30-year physician in the emergency room has seen thousands
03:24:17 24 of overdoses, he comes -- he determines a verdict, which is
03:24:21 25 that -- he's going to testify obviously -- that Jacob

03:24:25 1 Castro-White died of a Fentanyl overdose.

03:24:29 2 You'll hear from Kevin Shanks Fentanyl is 40 times
03:24:33 3 stronger than heroin. And that's what killed Jacob
03:24:37 4 Castro-White.

03:24:37 5 So what happens next? Well, the defendant is charged.
03:24:45 6 He's charged with distributing a mixture of Fentanyl. Now,
03:24:48 7 that's part of the charge. So he's charged with
03:24:53 8 distributing a mixture of Fentanyl that caused the death of
03:24:57 9 Jacob Castro-White.

03:24:58 10 So what the Government has to prove to you is, A, he
03:25:01 11 sold those drugs, and the drugs that he sold killed Jacob
03:25:05 12 Castro-White, okay? There's no requirement that we show you
03:25:10 13 that there was a direct sale from Red to Jacob Castro-White,
03:25:14 14 but we must prove to you that Red's drugs are the reason,
03:25:20 15 are the reason that Jacob died.

03:25:26 16 The Government is planning on calling 16 witnesses,
03:25:29 17 give or take, in this case. First you're going to hear from
03:25:32 18 Holly Litz, his girlfriend. She'll talk about the events of
03:25:35 19 that night and Jacob. You'll hear from his friend Don
03:25:41 20 Buchs, who he was with right before he met Harry.

03:25:44 21 So the way sort of the night plays out is he's with
03:25:47 22 Holly during the afternoon. Then later in the night at
03:25:50 23 approximately 8 or -- well, approximately 10:00 he goes to
03:25:53 24 Buchs' house. He's with Buchs for a couple hours. They
03:25:57 25 smoke some marijuana. And then he later meets Harry after

03:26:00 1 12, or picks up Harry after 12.

03:26:02 2 You're also going to hear from Cynthia Castro-White.

03:26:06 3 She's going to talk to you about her son. Really a tragedy.

03:26:10 4 It's -- there's no winners, no winners in any of these

03:26:14 5 cases. It's just losing, just different levels of losing.

03:26:19 6 You're also going to hear from James Bachman. He's

03:26:22 7 the life care individual who arrived on scene.

03:26:25 8 Next we're going to call Patrolman John Kovach, first

03:26:28 9 on scene. He'll tell you what he found when he got there,

03:26:32 10 where the evidence was, et cetera.

03:26:33 11 Next you'll hear from Detective Buddy Sivert, the LPD

03:26:38 12 detective who investigated the case.

03:26:39 13 Next the Government's going call Dr. Stephen Evans,

03:26:43 14 the Lorain County coroner.

03:26:46 15 We also may call Dr. Miller, Dr. Frank Miller. He's a

03:26:51 16 forensic pathologist. You may hear from him in this case.

03:26:55 17 The Government is also going to call Kevin Shanks.

03:26:58 18 He's the toxicologist who will talk to you about the

03:27:00 19 findings that his lab made relative to that femoral blood we

03:27:04 20 took from Jacob that showed that 9.5 nanogram reading -- or,

03:27:09 21 excuse me, 9.6.

03:27:11 22 Next you'll hear from Elizabeth Doyle. She's a

03:27:15 23 chemist with the Lorain County crime lab. She'll talk about

03:27:19 24 her tests regarding the drugs found at Jacob's house and the

03:27:23 25 spoons that she found.

03:27:25 1 Next you're going to hear from Corey Stock.

03:27:32 2 Just sort of a brief thing on Mr. Stock. He was a
03:27:36 3 raging opioid addict at this time. And he's going to
03:27:39 4 testify to you about his I guess interdependent relationship
03:27:42 5 with Harry, with Jacob and others in their pursuit of
03:27:48 6 finding opioids. He's going to tell you that during that
03:27:51 7 period of time and even the month leading up to it, Red's
03:27:55 8 stuff was the best. It was the best stuff.

03:27:59 9 He's also going to tell you that after Jacob died --
03:28:04 10 and you're going to see this in the messages. You're going
03:28:06 11 to see this in the communications. He continued to go to
03:28:10 12 Red. So even after Jacob passes away on March 7, 2016,
03:28:16 13 you're going to see communications between Corey and Red
03:28:21 14 where they continue -- where Corey's continuing to buy dope
03:28:25 15 from him even after Jacob's death.

03:28:27 16 You know, why? Why is he doing that? Because addicts
03:28:32 17 are looking for the best stuff, and Red had the best stuff
03:28:35 18 during this time.

03:28:36 19 He's also going to tell you that at some point in
03:28:39 20 time, only a couple days after Jacob's death, he talked to
03:28:43 21 Red. He told Red: Hey, my buddy died. You know, Jake
03:28:48 22 died.

03:28:48 23 Red's response to him was: I don't know that kid. I
03:28:52 24 sold to Harry.

03:28:55 25 Corey will also testify to you about his interview

03:29:00 1 with Detective Sivert, why he wasn't completely truthful.
03:29:03 2 He's going to testify, for two reasons. One, he doesn't
03:29:05 3 want to be a snitch. If you get I guess a reputation as a
03:29:10 4 snitch on the streets or in the drug world, there's really
03:29:12 5 two things that happen: Either you put yourself in danger,
03:29:15 6 okay, or nobody wants to deal with you, okay? Nobody wants
03:29:19 7 to sell to you, nobody wants to deal to you.

03:29:22 8 The other reason he said he didn't elaborate regarding
03:29:26 9 Red is he didn't want to lose him as a source. He's got an
03:29:30 10 addiction that if he doesn't do it -- it's like brushing his
03:29:34 11 teeth. He's got to do it in the morning, he's got to do it
03:29:37 12 in the afternoon, or he gets sick. And if you take Red away
03:29:41 13 from him, he's in a bad predicament.

03:29:44 14 Also going to call Harry Karaplis. Harry's going to
03:29:48 15 take you through his relationship with Red and his
03:29:52 16 relationship with Jacob and Corey and their interdependence
03:29:58 17 during this period of time. He's going to tell you he lied
03:30:00 18 for really, you know, pretty much one reason: He didn't
03:30:01 19 want to go to jail. I think he -- he'll testify to -- and
03:30:05 20 you're going to judge his credibility.

03:30:06 21 And it's clear to me that, you know, the defense is
03:30:08 22 going to spend a lot of time bashing Harry, and rightfully
03:30:12 23 so in some respects. He wasn't completely truthful. He
03:30:17 24 impeded Sivert's investigation at the beginning, okay? I'm
03:30:21 25 not going to make excuses for the kid. He's going to take

03:30:24 1 the stand. But he's not a kid. He's going to take the
03:30:27 2 stand. And you need to use your tools of credibility that
03:30:29 3 you use in your everyday life to determine whether he's
03:30:31 4 telling you the truth or not. Okay?

03:30:34 5 What I will say though is, look at what he's telling
03:30:37 6 you and compare it to the records, okay? The records don't
03:30:42 7 lie. Look at the records, look at what he's telling you,
03:30:45 8 and compare it to what the phones say.

03:30:48 9 We'll also call Jacob Kunkle. He's a special agent
03:30:58 10 with the FBI. What we asked him to do is do what's
03:31:00 11 called -- it's called a CAST analysis. Basically what he
03:31:03 12 did was he took Harry's phone, Jacob's phone, and Red's
03:31:08 13 phone. And based upon the tower logs that he received from
03:31:11 14 the phone companies, he's going to tell you where those cell
03:31:15 15 phone moves throughout the course of the night. Okay?

03:31:17 16 And what he's going tell you is Jacob and Harry's
03:31:22 17 phone, it's consistent that they went to Red's house that
03:31:25 18 night because they're hitting almost dead on in Red's
03:31:30 19 location at approximately 12:30, 12:35. And it's consistent
03:31:35 20 that those two then left and they went back.

03:31:44 21 We'll also call Detective Tom Nimon and Sergeant
03:31:49 22 Heathcoat relative to the search that was done at
03:31:52 23 Mr. Davis's residence.

03:31:53 24 We'll also call James Hill, who lived at that
03:31:55 25 residence with Mr. Davis and knew him as Red.

03:31:59 1 Finally, we're going to call Casey Carty. He assisted
03:32:04 2 Detective Sivert in his investigation. And really what he
03:32:06 3 was tasked with was compiling all of these phone records.
03:32:11 4 Originally, Detective Sivert had that text message content
03:32:16 5 that we talked about, that three-day window for Jacob. And
03:32:20 6 he had also gotten some tolls.

03:32:21 7 Well, Detective Carty took it a step further. He got
03:32:25 8 the phone records for Jacob, for Corey. And then they did
03:32:29 9 what's called a Cellebrite dump of Mr. Davis's, Red's phone.

03:32:33 10 What's a Cellebrite dump? It's when you take that
03:32:37 11 phone and you just dump all that information basically onto
03:32:40 12 a disk. It picks up his text messages, his photographs, his
03:32:44 13 e-mails. Everything goes on there.

03:32:46 14 And what he did was in this investigation is he
03:32:48 15 created sort of a timeline chart for you. And you're going
03:32:51 16 to have that. And I ask you to look at it throughout this
03:32:53 17 case. And that chart is going to show the communications
03:32:57 18 that we were able to determine between Jacob, Harry, Corey,
03:33:02 19 and Red during the relevant time periods.

03:33:04 20 You're also going to hear that during that relevant
03:33:08 21 time period, he did not see any other source of supply for
03:33:15 22 Jacob, okay? There's no other text messages from Jacob that
03:33:20 23 indicate he was going to somebody else, okay? Red had the
03:33:24 24 best stuff, and the evidence is going to show that that's
03:33:28 25 where Jacob was going to go.

03:33:30 1 He's also going to tell you that the last text
03:33:33 2 message, the last sent thing, the last phone call on Jacob's
03:33:36 3 phone was when he texted Harry Karaplis after 12 -- at 12
03:33:42 4 a.m. when he was there and said, "Outside." He had come to
03:33:46 5 pick up Harry and he was outside his residence. That's the
03:33:49 6 last -- so there's no outgoing text messages after he
03:33:52 7 purchased. There's no phone calls after he purchased.

03:33:54 8 I would submit to you that when you look at that
03:34:03 9 chart, it's sort of the roadmap of this case, as I talked to
03:34:06 10 you about before, the phone records.

03:34:13 11 What I'm going to ask you to do in this case, ladies
03:34:15 12 and gentlemen -- and I thank you for your time and
03:34:17 13 attention. The most important thing I'm going to ask you to
03:34:19 14 do in this case is to use your common sense, okay? Use it
03:34:23 15 when you hear the witnesses. Use it when you assess the
03:34:28 16 evidence in this case. I ask you to use your tools of
03:34:31 17 credibility that you use in your everyday life to determine
03:34:36 18 if somebody's lying to you or telling you the truth, okay?
03:34:39 19 And then you take all those facts, okay, and you're going to
03:34:42 20 apply it to the law Judge Boyko gives you, okay?

03:34:45 21 And after doing that, you arrive at a verdict, okay?
03:34:48 22 And if we prove our case beyond a reasonable doubt, you find
03:34:53 23 Red guilty, Mr. Davis guilty. And if you don't, you find
03:34:57 24 him not guilty.

03:34:58 25 But I beg you in this case, please, please, use your

Opening by Defendant (Bryan)

33

03:35:02 1 common sense. Use your common sense and look at the phones.

03:35:07 2 Thank you again.

03:35:09 3 THE COURT: Thank you, Mr. Katsaros.

03:35:14 4 Mr. Bryan on behalf of Mr. Davis.

03:35:16 5 MR. BRYAN: Thank you, Your Honor.

03:36:13 6 OPENING STATEMENT BY THE DEFENDANT

03:36:13 7 MR. BRYAN: In all the years I've been trying
03:36:16 8 cases, I don't know if I've ever had the same theme as the
03:36:19 9 Government in a trial. And I have to confess that after
03:36:24 10 hearing Mr. Katsaros's opening statement, we have the same
03:36:28 11 theme, because we too want you to follow the map that is
03:36:32 12 created by the phone records in this case. Because those
03:36:36 13 are the immutable pieces of evidence, the evidence that
03:36:39 14 doesn't change, the evidence that is just coldly calculated
03:36:42 15 as people use their cell phones over and over and over
03:36:46 16 again.

03:36:46 17 And we're confident that if you look at all of that
03:36:48 18 evidence, and not just the evidence that the Government
03:36:53 19 wants you to look at, you'll see a much different picture
03:36:56 20 than the picture that was portrayed by Mr. Katsaros' opening
03:37:00 21 statement. Because there's a lot more evidence than what
03:37:02 22 the Government collected.

03:37:04 23 From the very beginning of this case, they took the
03:37:06 24 word of a liar and they ran with it. Detective Buddy Sivert
03:37:13 25 from Lorain Police Department got the word of my client and

03:37:16 1 his nickname, Red, from Harry Karaplis and he ran with it.
03:37:21 2 And he had tunnel vision, tunnel focus, and looked right at
03:37:25 3 that information and didn't go anywhere else.

03:37:26 4 The fact is, there will be discussions in these text
03:37:30 5 messages that you see, ladies and gentlemen, where they are
03:37:32 6 talking about other sources of supply, other people who
03:37:36 7 provided drugs to them. Maybe they said Red's was the best,
03:37:40 8 but that doesn't mean that Red's was the only ones they were
03:37:43 9 using. Because, quite frankly, these were people,
03:37:46 10 especially Corey Stock, who had a multiple-time-a-day opioid
03:37:50 11 addiction.

03:37:51 12 And in the end of his life, Jacob Castro also appeared
03:37:55 13 to -- from the limited phone records that the Government
03:37:59 14 first collected and then from the larger phone records that
03:38:02 15 we collected over time, when the defense got involved in
03:38:06 16 this case, to demonstrate that Jacob Castro-White also had a
03:38:14 17 multiple-time-a-day opioid addiction as well. And we'll
03:38:17 18 acknowledge now, the evidence is going to be overwhelming
03:38:20 19 that one of the persons that they went to is our client,
03:38:23 20 Mr. Russell Davis.

03:38:25 21 But that just as equally, they were going to other --
03:38:28 22 not equally. You can count the number of people. And
03:38:32 23 Mr. Stock will testify, he had multiple sources of supply in
03:38:35 24 Lorain.

03:38:36 25 Mr. Karaplis will probably testify there were multiple

03:38:40 1 sources of supply in Lorain. And we'll talk about some of
03:38:43 2 those other sources of supply. Because Jacob Castro-White's
03:38:48 3 evidence was secured to a certain extent but not to a
03:38:51 4 grander extent. And that is because for whatever reason,
03:38:56 5 Detective Sivert just decided to ask for basically three
03:39:01 6 days worth of cell phone records, three days worth of text
03:39:07 7 messages from the cell phone provider.

03:39:08 8 He talked about the Cellebrite report that they ran on
03:39:14 9 Mr. Davis's phone. A Cellebrite is a very sophisticated
03:39:19 10 computer forensic analysis of a cell phone. It's basically
03:39:22 11 like a forensic computer analysis because a cell phone is a
03:39:26 12 computer.

03:39:27 13 And basically they did that with Mr. Davis's phone.
03:39:31 14 So they were able to not capture everything that was in his
03:39:34 15 phone but just about everything.

03:39:35 16 But you know what they didn't do? They didn't do a
03:39:38 17 Cellebrite analysis on Jacob Castro-White's phone. In fact,
03:39:43 18 not long after they made whatever attempts to see if they
03:39:47 19 could secure the content of the decedent's phone, they just
03:39:51 20 gave it back to his mother and let her do a factory sweep of
03:39:56 21 the phone, losing forever any data that could have been in
03:39:58 22 that phone.

03:39:59 23 You'll also hear that they -- the persons who were
03:40:04 24 last seen with Harry -- or last seen with the decedent,
03:40:08 25 Jacob Castro-White, the night before he died, the persons

03:40:11 1 whom Detective Sivert had in his office with him, was
03:40:14 2 interviewing him, while he's holding his cell phone, they
03:40:17 3 never asked him, hey, can we have your cell phone so we can
03:40:20 4 do a computer sweep of your cell phone? They never asked
03:40:24 5 Corey Stock, can we have your cell phone so we can do a
03:40:28 6 computer sweep and a Cellebrite analysis of your cell phone?

03:40:31 7 The one thing we were able to do through subpoenas and
03:40:35 8 the like is we were able to get a lot of telephone records.
03:40:38 9 And you'll see not only the Government's chart but the
03:40:41 10 defense has a demonstrative exhibit as well. And those
03:40:44 11 charts will show multiple telephone contacts between these
03:40:50 12 three individuals: Jacob Castro-White, Corey Stock, and
03:40:54 13 Harry Karaplis. But they'll also show tremendous amounts of
03:40:59 14 interactions with other suspected drug traffickers; in fact,
03:41:02 15 people that are mentioned in that two-day window of text
03:41:09 16 messages.

03:41:10 17 Specifically, there's a person that you'll learn by
03:41:13 18 the name of Erika Matus. She too was a drug user, someone
03:41:19 19 who had a multiple-time-a-day opioid addiction. And part of
03:41:22 20 her ability to maintain that addiction was that she would
03:41:26 21 possess drugs and then she would sell them to others as
03:41:28 22 well. And you'll see in these cell phone records, in these
03:41:34 23 two or three days of text messages, they're not only talking
03:41:38 24 about Mr. Davis but them talking about an Erika Matus as
03:41:41 25 well.

03:41:41 1 And you'll also see from these records that Mr. Davis
03:41:44 2 isn't extremely reliable when it comes to meeting up with
03:41:50 3 these young men to sell them their 30 or \$50 worth of
03:41:53 4 heroin, that there are many times where they're attempted to
03:41:56 5 grab from Red but they're unable to do so because he doesn't
03:41:59 6 answer their calls or he'll answer and hang up or he'll fall
03:42:04 7 asleep or they'll talk about how he likes to spend time with
03:42:08 8 ladies of the evening. They'll refer to them as hookers,
03:42:12 9 prostitutes. And that Red frequently, you know, disappoints
03:42:17 10 them.

03:42:19 11 And specifically you'll hear this, right in the day
03:42:25 12 before Jacob Castro died, on the 6th, when they're trying to
03:42:29 13 meet up with Mr. Davis, you have Corey Stock and Jacob
03:42:40 14 Castro-White talking back and forth with each other. And
03:42:42 15 Jacob Castro-White is waiting for Corey Stock to allegedly
03:42:46 16 come back from purchasing drugs from Mr. Davis.

03:42:50 17 And he says, "On my way to you, pulling up. You on
03:42:54 18 your way back?" That's Jacob Castro-White asking Corey
03:42:59 19 Stock, "Are you on your way back?"

03:43:01 20 And his response was, "No. I think this nigga fell
03:43:05 21 asleep. He picked up the phone, then hung up. Unless he's
03:43:09 22 doing something and couldn't talk."

03:43:14 23 And Jacob Castro-White, the decedent in this case
03:43:19 24 is -- his response to that was, "Dammit, fuck him."
03:43:27 25 "Dammit, fuck him." Fuck Russell Davis. Because these are

03:43:30 1 people that were looking for their next fix.

03:43:32 2 And so what do you do when you can't get the fix from
03:43:35 3 the guy that you're hoping to get it from? You go and try
03:43:37 4 to find it from somebody else. And you'll see that sort of
03:43:40 5 same pattern repeat itself later on.

03:43:43 6 And again, this is why the cell phone records and the
03:43:44 7 telephone records are so important in this case, because
03:43:46 8 they are a roadmap to a conclusion in this case. And it's
03:43:52 9 not a roadmap to conviction. It's a roadmap to exoneration
03:43:56 10 as it relates to the most important allegation in this case.
03:44:01 11 And that's the allegation that Mr. Davis sold drugs at
03:44:06 12 approximately 12:34 a.m. on March 7, 2016, to Harry
03:44:13 13 Karaplis, and that Harry Karaplis shared those drugs with
03:44:17 14 Jacob Castro-White.

03:44:18 15 Even in my opening statement I'm going to get into
03:44:22 16 some more detail there. But I think it's important to point
03:44:25 17 out a couple more of these texts. And you'll have them all,
03:44:28 18 the ones that we have. Unfortunately, you won't have the
03:44:31 19 ones that the police never attempted to secure.

03:44:35 20 You know, even just a couple more days prior of Jacob
03:44:42 21 Castro-White's text messages could have revealed a map or,
03:44:45 22 excuse me, a puzzle that is much different than the puzzle
03:44:48 23 that the Government wants you to believe.

03:44:51 24 But anyway, you have Jacob Castro-White and Corey
03:44:54 25 Stock talking back and forth to one another. And I'm

03:44:56 1 actually reading from the Government's exhibit at this
03:45:03 2 point.

03:45:05 3 And it's Jacob Castro-White reaching out to Corey
03:45:10 4 Stock at around 9:51 on March 6. And dates are going to
03:45:15 5 become important. You'll have notebooks. So it's really
03:45:19 6 important to keep track of the dates and keep track of your
03:45:21 7 own timeline in this case because even though it happened
03:45:24 8 over a very short period of time, basically a period of
03:45:27 9 about two days or even 12 hours, the most important stuff in
03:45:30 10 this case, it's really important to really keep track of the
03:45:35 11 timing literally down to the minute. And thankfully the
03:45:38 12 cell phone records and the telephone records will help us do
03:45:42 13 that to a great extent. But when you're listening to the
03:45:44 14 evidence, it's really important to look at the timing of
03:45:47 15 everything here.

03:45:48 16 And so Jacob Castro-White at 9:51 p.m. says, "You
03:45:54 17 grabbing at all" to Corey Stock. He said, "I already did
03:46:01 18 around 7:30."

03:46:02 19 And Castro-White responds to that, "Ah, fuck, you
03:46:06 20 should have texted me. Anyone else looking to grab or
03:46:08 21 anything? I didn't think you'd" --

03:46:10 22 And then Corey Stock says to Castro-White, "I didn't
03:46:12 23 think you were able to spend another 50," another \$50.

03:46:16 24 And he says, "I could have spent, like, 30, 40. Still
03:46:20 25 couldn't get you anything for that just cause me and Doug,

03:46:25 1 we get a half."

03:46:27 2 And so they go on and they continue to talk. And they
03:46:31 3 said -- you know, and they say, "2 1/2 points is barely
03:46:34 4 enough for someone to do with tolerance as high as ours.
03:46:37 5 And he wouldn't do that."

03:46:39 6 And then Jacob Castro-White says -- and it's really
03:46:42 7 important to keep the names straight too. As long as I've
03:46:45 8 been working on this case, and I'll probably do it during
03:46:49 9 this trial, I frequently will interchange the different
03:46:53 10 parties' names in this case, usually calling someone Jacob
03:46:57 11 when I meant to say Corey or whatever. But I'm sort of
03:47:01 12 warning you in advance as you hear the evidence, it's
03:47:03 13 important to sort of keep track of who we're talking about
03:47:06 14 at various stages of this trial.

03:47:09 15 And said, so anyway -- they said, "Well, if you threw
03:47:13 16 down with us, there wouldn't have been enough."

03:47:15 17 And then Castro-White says, "Ah, fuck, I feel it."

03:47:19 18 And then he said, "I could have done 40. I know he
03:47:21 19 wants it also though."

03:47:26 20 And so what's important in response to that, at around
03:47:29 21 10:23 p.m. -- at 10:23 p.m. Corey Stock says to
03:47:34 22 Castro-White, "I can ask Erika if they have some extra to
03:47:39 23 sell, but you probably won't feel it at all. I did a 2 1/2
03:47:47 24 point shot over their house yesterday. Didn't feel a
03:47:51 25 thing."

03:47:51 1 And I think it's important at this stage to explain to
03:47:56 2 you a little bit more about where people are located in
03:47:59 3 Lorain or in Lorain County. So I am going to walk over to
03:48:06 4 the ELMO. This is going to be an exhibit that's going to be
03:48:09 5 introduced in trial. And you'll see a lot of maps in this
03:48:11 6 case, and these maps are important as well.

03:48:20 7 But anyway, this is a Google map. Is that blurry or
03:48:24 8 is that just my eyesight? Is it better now?

03:48:29 9 Okay. There's actually a log. I'd like to see the
03:48:33 10 map right now.

03:48:36 11 But anyway, and the Government will present a lot of
03:48:38 12 map evidence as well because they have this cell tower
03:48:41 13 expert who's going to talk about, you know, where people
03:48:44 14 were when the calls were being made, what general area they
03:48:47 15 were, were they near their home, were they not near their
03:48:50 16 home. And some of that evidence is actually going to be
03:48:53 17 kind of interesting when we get into the early morning hours
03:48:55 18 of the morning that Jacob Castro-White passed away.

03:49:00 19 But anyway, what you see here are five residences.
03:49:05 20 The first residence down here in the southwest is -- I guess
03:49:11 21 I'll do it this way -- is Corey Stock. That's where Corey
03:49:14 22 Stock lives. He lives just down the road from Jacob
03:49:19 23 Castro-White. And this is Jacob Castro-White's home, who
03:49:22 24 lives just down the road from Harry Karaplis, or at the time
03:49:25 25 this is where Harry Karaplis was living.

03:49:28 1 And the person all the way in the far northeast corner
03:49:31 2 is where Russell Davis was living at the time. And the
03:49:35 3 person's house that's depicted just to the west of that by
03:49:40 4 about a half a mile is Erika Matus's home, 20th Street in
03:49:46 5 Lorain County, Ohio.

03:49:47 6 And so anyway, when you start looking at all the
03:49:52 7 evidence including the text message exchanges, not only
03:49:56 8 between Corey Stock and Jacob and Corey Stock and Harry,
03:50:04 9 you're going to see a lot of activity taking place between
03:50:07 10 Corey Stock and Erika, this person that he asked Jake, "Do
03:50:11 11 you want me to call Erika and see if they have anything as
03:50:18 12 well?"

03:50:18 13 And what you will find is that Jake goes home and
03:50:21 14 says, "No, no, I'll just wait for Red." And that's what,
03:50:24 15 excuse me, Mr. Katsaros told you earlier, that he was just
03:50:27 16 going to wait on Red.

03:50:28 17 And not long after that, he actually gets a phone
03:50:31 18 call -- actually a text message from Harry Karaplis asking
03:50:34 19 him if he could give him a ride to the gas station.

03:50:39 20 And one of the things you'll hear from this society of
03:50:43 21 drug users is that in Lorain you can get drugs basically
03:50:47 22 anywhere. A lot of dealers are dealing near gas stations,
03:50:50 23 on street corners and things of that nature. I'm not
03:50:52 24 suggesting that he wanted drugs from the gas station, but
03:50:56 25 that's just what the text message was.

03:51:01 1 But anyway, he then -- Jake is saying, well, no,
03:51:04 2 sorry, I'm at my buddy Don's house. I just got here. You
03:51:08 3 know, we just started smoking. And what they -- they were
03:51:11 4 smoking marijuana together.

03:51:12 5 But after a while, Jake then texts to Harry, "Are you
03:51:16 6 looking to throw down tonight?" And Harry's like, well,
03:51:21 7 yeah, I may be interested in doing that. And so admittedly,
03:51:25 8 you'll see some phone records where Harry tries to call
03:51:27 9 Mr. Davis.

03:51:32 10 And there are phone records back and forth, and
03:51:34 11 there's even some phones that would suggest that there's
03:51:36 12 some connect time.

03:51:37 13 When it comes to these phone records, that's another
03:51:40 14 concept that's going to be very important that you keep an
03:51:44 15 eye on in this case, and that is connect time. Because
03:51:48 16 there are phone records from one provider that says the call
03:51:51 17 was connected for 13 seconds, and another one from another
03:51:55 18 provider that says the call was connected for 6 seconds.
03:52:00 19 And the cell phone experts will testify in this case that
03:52:02 20 connect time doesn't necessarily mean a conversation took
03:52:05 21 place because cell phones connect to one another and
03:52:11 22 sometimes calls get rerouted. And it doesn't necessarily
03:52:13 23 mean that there was an actual conversation. And you're
03:52:16 24 going to see that -- you'll be able to see that from even
03:52:19 25 the calls that Harry Karaplis makes to Jacob Castro-White

03:52:23 1 when he starts looking for him in the middle of the night.

03:52:26 2 None of those calls get answered, but all of them will
03:52:29 3 have, like, two seconds or four seconds or five second,
03:52:32 4 quote, connect times because the cell phones are connecting
03:52:35 5 up even though the persons aren't speaking to one another.
03:52:38 6 So don't -- that connect time issue is going to be really
03:52:41 7 important as well.

03:52:48 8 The bottom line is is that you're going to have to
03:52:51 9 rely on Harry Karaplis and his veracity or lack thereof of
03:52:56 10 what happened after 12:34 a.m. He's actually told multiple
03:53:03 11 stories about what happened after 12:34 a.m.

03:53:08 12 But basically when you follow the phone evidence in
03:53:10 13 this case, you'll see that at around 2:41 a.m., Harry
03:53:18 14 Karaplis starts calling Jacob Castro-White, and he starts
03:53:21 15 calling him over and over and over again. And he calls him
03:53:27 16 and he texts him a couple times in there and says, yo, you
03:53:31 17 know, what's up, you know, dude, please give me a call, you
03:53:34 18 know, that kind of stuff.

03:53:35 19 One thing he never says in those text messages, yo,
03:53:39 20 why did you take my money, dude, or anything like that. He
03:53:42 21 doesn't say anything like that. He's just like, you know,
03:53:45 22 please, you know, call me. Then he proceeds to call him
03:53:48 23 feverishly over like -- 16 times over like a five-minute
03:53:53 24 period of time.

03:53:53 25 And it may seem complicated at times, the evidence in

03:53:56 1 this case, especially the cell tower stuff, but there's
03:53:59 2 going to be evidence that Jacob Castro-White's phone, when
03:54:02 3 it was receiving all those calls from Harry Karaplis, was
03:54:06 4 actually not in the cell tower sector where his home was but
03:54:13 5 in the cell tower sector east of where his phone was. And
03:54:17 6 there may be some conflicting expert testimony about what
03:54:20 7 that means. But it's going to be interesting, to say the
03:54:25 8 least.

03:54:25 9 The other thing is when Harry Karaplis is making those
03:54:29 10 calls, his phone is going to be hitting a cell tower that
03:54:33 11 isn't anywhere near -- well, actually, I shouldn't
03:54:36 12 characterize it that way. It's not the nearest cell tower
03:54:39 13 to where he claims he was at the time, which was at home.
03:54:42 14 Because the story that he eventually tells talks about
03:54:47 15 falling asleep, waking up, Jake being gone, so on and so
03:54:53 16 forth.

03:54:53 17 But anyway, what happens then, when you follow the
03:54:56 18 phone records, is throughout the night there's really no
03:54:58 19 activity until, you know, the morning hours again, around 6
03:55:03 20 a.m. And it's Harry Karaplis again trying to get ahold of
03:55:09 21 Jacob Castro-White. And he again calls and texts him maybe
03:55:12 22 16 times. You'll see every call and every text and --
03:55:18 23 during that period of time.

03:55:18 24 And then he starts sort of calling around to other
03:55:21 25 people. And you'll see that there's a call to Corey Stock,

03:55:23 1 but it's a real small connection time, like two or three
03:55:27 2 seconds, so it's probably a missed call. Corey Stock was
03:55:31 3 still probably sleeping at that time. And then you'll see
03:55:34 4 him start calling, like, his girlfriend and things like
03:55:36 5 that.

03:55:38 6 And then around in the 9:00 hour you'll see people
03:55:45 7 calling Harry Karaplis that are at the time at Jacob
03:55:51 8 Castro-White's house. Because as Mr. Katsaros said, at
03:55:53 9 around 6:50 a.m. Mr. Castro-White's mother tragically found
03:55:59 10 him deceased. When she came out of her room in the morning,
03:56:06 11 she noticed that her son's light was on in his room, and so
03:56:10 12 she entered his room to see what was going on.

03:56:13 13 He was lying face down on his bed, and so she went
03:56:16 14 over to try to rustle him, and she couldn't wake him up.
03:56:21 15 Then she called the authorities and suffered every parent's
03:56:25 16 worst nightmare.

03:56:26 17 But objectively and carefully evaluating the evidence
03:56:29 18 in this case, you have to look at, again, these phone calls.
03:56:32 19 Because what's Harry Karaplis doing at that time is now
03:56:35 20 there's a person who's at the home at the time, another
03:56:39 21 friend, a person by the name of Brian Stoll. And Brian
03:56:42 22 Stoll you'll find out is a good friend of Jacob
03:56:45 23 Castro-White's. And he's not friends with Jacob because
03:56:49 24 they abuse heroin together. You'll find out through the
03:56:52 25 evidence in this case that Jacob was also an avid

bodybuilder, that he liked to lift weights and enter competitions and had really big muscles. And Brian Stoll was the same way. He was an avid bodybuilder and probably Jacob Castro-White's truest friend.

Notwithstanding that, they still had a problem together: They abused anabolic steroids. So in addition to abusing illegal drugs, Mr. Castro-White was abusing anabolic steroids. And you'll also learn from the evidence in this case that part of trying to look better for competitions is taking things like high blood pressure medication so your veins will pop, taking thyroid medication so that you get a quick fat burn before a competition so your muscles look more ripped, things of that nature.

So in addition to abusing heroin and having an opioid addiction, the evidence will be clear that Castro-White has other addictions as well. Also other illicit drugs, including methamphetamine, including marijuana, including cocaine, just about anything you can think of. And the medical records will also reflect someone who's abused drugs, multiple types of drugs over an extended period of time.

But anyway, when Brian Stoll is sitting there with law enforcement in the morning trying to figure out who was last with Jacob Castro-White, he says, you know, here's Harry Karaplis is calling me now. And so he's like, well, call

03:58:28 1 him back. The law enforcement says call him back. And law
03:58:31 2 enforcement officers call Harry Karaplis on Brian Stoll's
03:58:35 3 phone. You'll see that record as well. And there's a
03:58:41 4 multiple-minute conversation that takes place.

03:58:42 5 Immediately -- and this is where you've got to follow
03:58:44 6 the map of the phone records. Immediately following that
03:58:47 7 call, Harry Karaplis, which has obviously now just been
03:58:53 8 advised that whatever your concerns about your friend were,
03:58:57 9 your worst nightmare is coming true. Your friend is dead.
03:59:02 10 And so he reaches out in an effort to contact Corey Stock.

03:59:05 11 And you'll see three calls to Corey Stock, and you'll
03:59:08 12 learn that those calls are short connection times too, just
03:59:11 13 a couple of seconds. And Corey Stock I believe will testify
03:59:14 14 that he actually was in the shower during that period of
03:59:18 15 time.

03:59:19 16 So Harry Karaplis then will start calling his
03:59:24 17 girlfriend, Amanda. And she answers a call, and there's a
03:59:28 18 multiple-minute telephone call. And then right after that
03:59:31 19 he finally gets ahold of Corey Stock at around 9:23 a.m.,
03:59:36 20 and they have a couple-of-minute long telephone call. And
03:59:38 21 that's when Corey Stock is being advised by Harry Karaplis,
03:59:44 22 Jake died, Jake is dead.

03:59:47 23 Well, as soon as Corey Stock gets off the phone with
03:59:54 24 Harry Karaplis, he doesn't call Mr. Russell Davis. The
04:00:01 25 first person he calls is Erika Matus. And they continue to

04:00:08 1 talk to one another a lot. I mean, we don't know what
04:00:10 2 they're saying. We don't -- they text each other a lot
04:00:12 3 during this period of time. We don't know what the text
04:00:14 4 messages say because nobody preserved that evidence, nobody
04:00:16 5 preserved those records. But the connection goes from Harry
04:00:20 6 Karaplis to Corey Stock to Erika Matus, who then calls her
04:00:27 7 best friend. And that's where the phone records lead in
04:00:29 8 this case.

04:00:30 9 Mr. Katsaros is correct, the medical examiner comes
04:00:35 10 in -- and I don't want to confuse the issues in this case,
04:00:40 11 but there are two very important issues in this case. The
04:00:45 12 first issue is whether or not Mr. Davis distributed Fentanyl
04:00:49 13 on March 7, 2016, to Harry Karaplis, who then gave the
04:00:56 14 Fentanyl to Jacob Castro-White.

04:00:59 15 The second issue is did Jacob Castro-White then ingest
04:01:05 16 that particular Fentanyl and did that result in his death.

04:01:10 17 Well, true to law enforcement's nature as it related
04:01:13 18 to preserving the phone evidence in this case and evidence
04:01:17 19 of other potential drug contacts that Jacob Castro-White
04:01:22 20 could have gone to, they make a similarly poor effort to
04:01:28 21 determine the cause and manner of death. Because, you know,
04:01:35 22 the coroner, the Lorain County coroner, he knows better than
04:01:39 23 anybody else. He's seen this over and over again.

04:01:41 24 The guy has got a foam cone, which it's a very
04:01:44 25 disturbing appearance. I'm sure the Government will show

04:01:47 1 you pictures of it, of this young man lying on the ground
04:01:49 2 with foam, blood-tinged bubbles in his mouth. And they say,
04:01:55 3 well, that's indicative of a drug overdose.

04:01:57 4 Well, what it's indicative of, and you'll hear from
04:02:01 5 other experts in this case, is a condition known as
04:02:04 6 pulmonary edema. That's basically when your lungs start to
04:02:09 7 swell because your respirations are starting to slow and
04:02:11 8 because your heart is still continuing to beat even at
04:02:15 9 slower and slower rates, that as people are dying -- and
04:02:18 10 there are other things other than drug overdose that can
04:02:22 11 cause pulmonary edema. Anything that would cause pulmonary
04:02:27 12 edema would cause a foam cone.

04:02:29 13 Well, the way that you rule out other potential causes
04:02:33 14 and manners of death usually in a homicide case is you
04:02:39 15 perform an autopsy. And this is another instance where law
04:02:42 16 enforcement chose to take the shortcut. Well, we know it's
04:02:48 17 a drug death. We'll declare it a drug death through the
04:02:52 18 county coroner. And they never performed an autopsy in this
04:02:54 19 case. So there was no way to rule out other potential
04:02:57 20 causes of death, an aneurysm which also could cause a
04:03:01 21 pulmonary edema, an aneurysm that could be caused by
04:03:04 22 increased blood pressure because of abuse of anabolic
04:03:08 23 steroids. Even a cardiomyopic condition where your heart
04:03:16 24 gets changed because of abuse of anabolic steroids and
04:03:21 25 things of that nature. And other forms of natural causes of

04:03:24 1 death that were never ruled out in this case because they
04:03:29 2 know best and they know how this young man died but did not
04:03:36 3 give him the dignity of a thorough death examination but
04:03:44 4 just trust law enforcement.

04:03:44 5 So I don't want to belabor that because it almost
04:03:46 6 sounds like we're conceding the first part, but we're not
04:03:51 7 because the evidence doesn't prove -- in fact, the evidence
04:03:53 8 shows that Russell Davis did not distribute that most
04:03:58 9 important last dose of opioid that Mr. Castro-White, Jacob
04:04:09 10 Castro-White, consumed before he died.

04:04:14 11 Law enforcement basically tried to figure that out,
04:04:21 12 once they got the name Red, once they saw this two days
04:04:25 13 worth of text messages and saw them, quote, talking about
04:04:27 14 Red, even though in that two-day area of text messages
04:04:32 15 they're also talking about Erika and also talking about a
04:04:35 16 guy named A, you know, A's drugs and talking about other
04:04:38 17 sources of supply, they zeroed in on Red. And they zeroed
04:04:43 18 in on Red in part because of the phone records but also
04:04:47 19 because Harry Karaplis.

04:04:49 20 So what happens when Harry's interviewed the day that
04:04:53 21 Jacob dies? He comes into the Lorain County police station,
04:05:00 22 he sits down with Buddy Sivert in a very nonthreatening
04:05:04 23 manner and he lies. He lies like crazy. He doesn't even
04:05:07 24 say that he was involved with drugs. He lies about even
04:05:11 25 being a drug user. In fact, he tries to portray himself as

04:05:16 1 this hero. And what he says is like, yeah, I used to use
04:05:20 2 drugs in the past, but I stopped a long time ago because I
04:05:24 3 knew they were bad for me. And I was trying to get my
04:05:29 4 friend Jake off of drugs because I knew they were bad for
04:05:31 5 him too.

04:05:33 6 And Harry is also a bodybuilder. He says, it goes
04:05:36 7 against everything we stand for, you know, health and
04:05:39 8 good-looking bodies and all that kind of stuff. And so I
04:05:41 9 wasn't doing that anymore. Jake was still an addict, but I
04:05:45 10 wasn't doing that anymore. So when he called me that night
04:05:48 11 and said, hey, you want to go grab, I said, yeah, why don't
04:05:52 12 you come over. But I wasn't going to go grab with him.
04:05:55 13 What I wanted to do was I wanted to talk him out of going
04:05:59 14 and grabbing.

04:05:59 15 This is the tale that he spins with Detective Sivert
04:06:04 16 at that time. I want to -- I was going to talk him out of
04:06:06 17 it. So we sat down and started watching SportsCenter and,
04:06:11 18 you know, I soon dozed off. And then when I woke up two and
04:06:16 19 a half hours later, I noticed that Jake was gone and my
04:06:20 20 wallet had been moved. And here my best friend, he stole
04:06:23 21 \$40 out of my wallet, and then he left.

04:06:28 22 And so he continues to portray Jacob Castro-White as
04:06:31 23 this drug fiend who had this desperate drug problem while
04:06:37 24 calling himself basically the standup friend who was trying
04:06:40 25 to keep him from doing that.

04:06:44 1 Well, during the conversation, hoping that law
04:06:49 2 enforcement would buy the story -- and in fact, I would
04:06:52 3 suggest that the evidence will show Detective Sivert did buy
04:06:55 4 the story, that he did believe, you know, this strapping
04:07:00 5 young man that he was trying to do the right thing, Harry
04:07:07 6 goes on to say -- he says, you know, do you know where Jake
04:07:10 7 was getting his drugs from?

04:07:11 8 And Harry goes, I think this guy was named Red.

04:07:14 9 He's like, well, do you know who Red is?

04:07:16 10 He says, no, I've never seen him before. That's
04:07:19 11 Jake's connect. That was Jake's connect. That's his guy
04:07:24 12 that he went and got drugs from. But I don't know where he
04:07:26 13 lives, I don't know where he's -- and so on and so forth.
04:07:28 14 So that's the first story that he tells.

04:07:32 15 When Sivert gets the text messages and sees that
04:07:36 16 they're talking about the drugs, he tells a second story --
04:07:39 17 actually, he doesn't really tell the second story. Sivert
04:07:41 18 confronts him, and he sits there and just stares at him.
04:07:44 19 And then Sivert's like, hey, you know, what's going on here?
04:07:48 20 And Harry looks back at him and he says, do you think I need
04:07:52 21 a lawyer? And Sivert says, yeah, you better get a good one.
04:07:57 22 And he grabs his stuff and he walks out of the room.

04:07:59 23 Well, that's what Harry did. He went out and, quote,
04:08:04 24 got a good lawyer. And Sivert told his lawyer, all I want
04:08:08 25 to know is where they bought the drugs. You know, Harry's

04:08:10 1 not in trouble, Corey's not in trouble, all these people
04:08:13 2 that were helping Jake get drugs aren't in trouble. But the
04:08:16 3 person that I want to know is where they are getting the
04:08:18 4 drugs. And since he had already threw out this innocuous
04:08:25 5 name Red to the law enforcement officers, he continued along
04:08:27 6 that story line.

04:08:27 7 Why didn't he come clean and say he got it from
04:08:30 8 someone else at that time? Well, Red didn't go to school
04:08:35 9 with these kids. They didn't all grow up in Amherst
04:08:38 10 together like Erika Matus did and Corey and Jake and Harry.
04:08:42 11 They weren't all Facebook friends together. You know, Red
04:08:45 12 wasn't -- I don't even think he uses Facebook. If he does,
04:08:48 13 I don't know about it. But he's not Facebook friends with
04:08:50 14 these kids or whatever.

04:08:52 15 You'll see that these are a pretty close-knit group of
04:08:56 16 kids of -- you know, people who were at least during that
04:09:00 17 period of time abusing drugs together.

04:09:01 18 And so, again, I agree with Mr. Katsaros, let's follow
04:09:09 19 the phone evidence in this case. And when you do that,
04:09:16 20 you'll come to a conclusion that as strange as it seems,
04:09:22 21 when it appears that there's all this evidence that it's
04:09:25 22 coming from Red, that the phone evidence in this case gives
04:09:32 23 an alibi to the only person in Lorain who is dealing drugs
04:09:41 24 at that time, the person that is sitting here at trial
04:09:47 25 today. And it's pretty straightforward.

Opening by Defendant (Bryan)

55

04:09:51 1 MR. CORTS: Your Honor, may we approach for a
04:09:53 2 second?

04:09:53 3 THE COURT: Yes.

04:09:54 4 (At Side Bar.)

04:10:01 5 MR. CORTS: Your Honor, he can't use the term
04:10:04 6 "alibi."

04:10:04 7 THE COURT: No.

04:10:05 8 MR. CORTS: And that's totally improper. I
04:10:07 9 know it was in the heat of the moment. I don't take it
04:10:10 10 against Ed. You know, I don't think he did it purposely.
04:10:14 11 Because he can't use the term "alibi" because he hasn't
04:10:17 12 filed an alibi. You know, there's a law that says you have
04:10:19 13 to file an alibi. That's the only reason I bring that up.

04:10:21 14 MR. BRYAN: It's a figure of speech.

04:10:22 15 THE COURT: I understand that too, but clarify
04:10:23 16 it for the jury. Just clarify that.

04:10:25 17 MR. BRYAN: I will.

04:10:25 18 THE COURT: How much longer?

04:10:26 19 MR. BRYAN: I'm wrapping up, Your Honor.

04:10:28 20 MR. CORTS: You understand that?

04:10:29 21 MR. BRYAN: Yeah, I understand.

04:10:31 22 THE COURT: We have -- who is the first
04:10:32 23 witness? Holly Litz?

04:10:32 24 MR. CORTS: Holly Litz.

04:10:36 25 THE COURT: How long do you think she'll be?

Opening by Defendant (Bryan)

56

04:10:37 1 MR. CORTS: 30 minutes.

04:10:37 2 THE COURT: That's -- we're going to cut off
04:10:42 3 because they've been here so long. So probably quarter of 5
04:10:44 4 or so you've got to wrap up.

04:10:44 5 MR. CORTS: Okay. I mean, Judge, if you want
04:10:45 6 them to come back tomorrow, we can come back tomorrow.

04:10:47 7 THE COURT: Well, let's do her. We can do her
04:10:48 8 in 30 minutes. We can do her.

04:10:52 9 Ed, Darin, is cross going to be long on the first
04:10:57 10 witness, this Holly Litz?

04:10:59 11 MR. BRYAN: Probably not. I mean, to be
04:11:01 12 honest --

04:11:02 13 THE COURT: Okay. Think we can get her out of
04:11:04 14 here in about a half hour?

04:11:06 15 MR. BRYAN: Yeah, I mean, if their direct's
04:11:09 16 15, 20 minutes.

04:11:10 17 THE COURT: Let's get her done and we'll call
04:11:12 18 it a day.

04:11:13 19 MR. CORTS: Thanks, Judge.

04:11:14 20 (In Open Court.)

04:11:21 21 MR. BRYAN: As the judge indicated, opening
04:11:23 22 statements are just that, they're opening statements.

04:11:26 23 They're not supposed to be considered argument. And when I
04:11:30 24 used the word "alibi," my -- I was being sort of
04:11:35 25 argumentative. And so it's also a legal term, so it was

04:11:38 1 inappropriate for me to use that word at this stage.

04:11:41 2 But the point that I'm about to make with I think a
04:11:47 3 very important exhibit in this case is a phone record, and
04:11:50 4 it's Russell Davis's phone record. And it's his phone
04:11:53 5 record for the night and the morning of March 7, 2016. And
04:12:00 6 again, I'll show this to you on the overhead. And it's also
04:12:09 7 in the Government's exhibit, at least the text message
04:12:11 8 that's associated with this phone record.

04:12:20 9 You'll hear evidence in this case that the
04:12:25 10 440-506-7354 number is Harry Karaplis's telephone number.
04:12:31 11 You'll also hear evidence in this case that the 216-526-8810
04:12:37 12 number is Russell Davis's telephone -- cell phone number.

04:12:41 13 And you'll see that the first highlighted call is a
04:12:45 14 call that occurred -- it begins at 12:34 a.m., 51 seconds.
04:12:54 15 And it's listed as -- this is Russell Davis's cell phone
04:12:58 16 record. And so it's listed as an inbound call.

04:13:01 17 And what it means is that Harry Karaplis is calling
04:13:03 18 Russell Davis at that time. And you'll see that there's
04:13:06 19 this third number. And the cell phone experts will say that
04:13:10 20 that third number is sort of like a routing number. And
04:13:13 21 you'll also see that it says that the duration in seconds on
04:13:17 22 Russell Davis's tolls is 13 seconds.

04:13:20 23 Well, when you look at Harry Karaplis -- I don't have
04:13:22 24 that exhibit. It will be an exhibit during trial. I don't
04:13:25 25 have it up here for purposes of this opening statement.

04:13:28 1 When you look at his phone records for the same time
04:13:31 2 period, you'll actually see two things around the 12:30 --
04:13:37 3 at the time of 12:34. Actually, there's one call before it
04:13:41 4 around 12:32. And what it's going to show from Harry
04:13:47 5 Karaplis's phone records is that it was a call to Russell
04:13:49 6 Davis's number that did not connect, so it was a call that
04:13:52 7 he did not get through to Russell Davis.

04:13:56 8 What you will see is that then there's a call from
04:14:05 9 Russell Davis to Harry Karaplis at 12:31:38. And so then at
04:14:13 10 the 12:34:51 in Harry Karaplis's phone records, you'll see
04:14:18 11 that that connect time says 6 seconds in Harry Karaplis's
04:14:25 12 phone records.

04:14:25 13 What's important to note about basically this early
04:14:28 14 morning hour and in the morning hours of these phone records
04:14:31 15 is what follows that. You know, there's another inbound
04:14:35 16 call at around 1:07:19, and it reflects a duration of 11
04:14:43 17 seconds. But there's no evidence that there was any real
04:14:45 18 voice or discussion there. It just was connect time on
04:14:50 19 Russell Davis's cell phone.

04:14:52 20 And then there's a call, an inbound actually text
04:14:57 21 message at 1:19 a.m., and then in the highlighted version
04:15:03 22 another inbound text message at 8:15 in the morning.

04:15:06 23 And what you'll learn from the experts in this case is
04:15:10 24 the next series of activities are text messages. And the
04:15:15 25 text messages are basically three. Actually, there's more

04:15:19 1 than that, but for what I'm explaining to you at this time
04:15:24 2 is that it says 10:21, but the experts will tell you that
04:15:29 3 that time is actually 11:21 because for whatever reason,
04:15:34 4 Sprint's cell phone records are Eastern time for telephone
04:15:37 5 calls but Central time for text messages. And we'll get
04:15:43 6 through all of that together in this case. There is a lot
04:15:45 7 of confusion about records, but we will clarify all of that.

04:15:49 8 And so what you have then, beginning at 10:21:03 a.m.,
04:15:56 9 is a series of Russell Davis initiated things. You see that
04:16:02 10 it says "outbound." So 10:21:03, Russell Davis's outbound
04:16:10 11 telephone call -- it's actually an outbound text message, is
04:16:15 12 to one of the text messages that he missed the night before,
04:16:18 13 which is the 258 number.

04:16:20 14 And then you'll see that the next text message that
04:16:23 15 Russell Davis sends, literally not even 20 seconds after
04:16:29 16 that is a text message from the 714 number, the number that
04:16:35 17 had texted him also that morning. And then the third text
04:16:41 18 message that you'll see that occurred literally within the
04:16:44 19 same minute was a text message from Russell Davis's phone --
04:16:51 20 actually from Russell Davis's phone to Harry Karaplis's
04:16:54 21 phone. And you'll see that. It's the same number that
04:17:00 22 called him at 12:34 a.m., at 10:21:56 a.m.

04:17:04 23 We do have what that text message says. And what that
04:17:08 24 text message says was two words: "Was sleep." "Was sleep."
04:17:20 25 So just as like the day before when Corey Stock told Jacob

Opening by Defendant (Bryan)

60

04:17:28 1 Castro-White, he hung up on me, may have went back to sleep,
04:17:37 2 Russell Davis's first response to the last call that he got
04:17:40 3 from Harry Karaplis was "Was sleep."

04:17:45 4 Ladies and gentlemen of the jury, when you objectively
04:17:52 5 evaluate the immutable, incontrovertible evidence in this
04:17:57 6 case, the only conclusion that you will be able to draw is
04:18:00 7 that Russell Davis is not guilty of distributing Fentanyl on
04:18:05 8 3/7/2016 at 11:34 a.m. And he's certainly not responsible
04:18:13 9 for dealing Fentanyl that resulted in the tragic death of
04:18:20 10 Jacob Castro-White.

04:18:21 11 Thank you.

04:18:21 12 THE COURT: Thank you, Mr. Bryan.

04:18:22 13 Mr. Corts.

04:18:28 14 Ladies and gentlemen, we'll have one witness before we
04:18:31 15 retire for the evening. It will be relatively short.

04:18:33 16 MR. CORTS: The Government will call Holly
04:18:34 17 Litz.

04:19:04 18 THE COURT: Please be sworn.

04:19:08 19 (Witness sworn.)

04:19:10 20 THE COURT: Please have a seat.

04:19:23 21 Mr. Corts, when you're ready.

04:19:24 22 MR. CORTS: Thank you, Judge.

04:19:27 23 HOLLY LITZ

04:19:27 24 - - - - -

04:19:28 25 DIRECT EXAMINATION

04:19:28 1 BY MR. CORTS:

04:19:28 2 Q Good afternoon.

04:19:29 3 A Good afternoon.

04:19:29 4 Q Make sure you speak loud enough in that microphone so
04:19:33 5 that everyone can hear you, specifically the jurors in this
04:19:35 6 case. Okay?

04:19:35 7 A Yup.

04:19:36 8 Q Would you please tell us your name and spell your name
04:19:39 9 for the record.

04:19:40 10 A Holly Litz. H-O-L-L-Y and then L-I-T-Z.

04:19:46 11 Q Miss Litz, if you could, would you tell us your date
04:19:50 12 of birth?

04:19:51 13 A 02/24/1994.

04:19:54 14 Q And how old are you as you sit there now?

04:19:56 15 A 24.

04:19:56 16 Q And without giving your address, because we don't want
04:19:59 17 you to do that, what city do you currently live in?

04:20:02 18 A Lorain.

04:20:02 19 Q Okay. And tell us a little bit about how long you've
04:20:08 20 lived in Lorain, Ohio.

04:20:09 21 A I've lived there almost my whole life.

04:20:16 22 Q And who do you live there now with?

04:20:18 23 A My mom, dad, and brother.

04:20:19 24 Q Can you tell us about what school you attended?

04:20:24 25 A I went to high school in Amherst, and I am currently

04:20:28 1 at LC.

04:20:29 2 **Q** Okay. Can you tell us, what year did you graduate
04:20:31 3 from high school at Amherst?

04:20:33 4 **A** 2013.

04:20:34 5 **Q** And after your graduation from high school in 2013,
04:20:42 6 did you start school? Did you start a job? Both? Can you
04:20:46 7 tell us about that, please?

04:20:46 8 **A** Yeah. I started -- I'm an assistant manager at Panera
04:20:53 9 Bread, and I started college at Lorain County Community
04:20:56 10 College.

04:20:56 11 **Q** What kind of career track are you on, if you could
04:20:59 12 tell us?

04:20:59 13 **A** I just got accepted for the radiology program at LC.

04:21:03 14 **Q** Now, I want to draw your attention back to your high
04:21:06 15 school years.

04:21:09 16 Did you meet or come to know someone by the name of
04:21:12 17 Jacob Castro-White?

04:21:13 18 **A** Yes. Me and Jacob were friends.

04:21:16 19 **Q** Can you tell us if you can recall when you first met
04:21:19 20 him?

04:21:19 21 **A** It was actually my first year. I was a freshman, and
04:21:26 22 he was in my study hall and we met.

04:21:29 23 **Q** I want to direct your attention to Government's
04:21:31 24 Exhibit 1A, if I could.

04:21:39 25 Do you see the photograph that's depicted before you

04:21:41 1 there?

04:21:42 2 **A** Yes.

04:21:42 3 **Q** Can you tell us who that photograph depicts?

04:21:47 4 **A** Jacob Castro-White.

04:21:50 5 **Q** Thank you.

04:21:51 6 Tell us about your relationship with Jacob Castro back
04:21:57 7 in March of 2016. What was your relationship with him like
04:22:00 8 at that time?

04:22:00 9 **A** He was my boyfriend.

04:22:02 10 **Q** And how long had the two of you been together?

04:22:05 11 **A** About a year.

04:22:06 12 **Q** And when you say he was your boyfriend, can you tell
04:22:09 13 us what that means?

04:22:10 14 **A** Basically, we would go to school together, I would
04:22:15 15 come home, we'd hang out at his house. I'd see him for
04:22:20 16 almost the entire day every day.

04:22:21 17 **Q** Okay. Where would you go to school together in 2016?

04:22:25 18 **A** He -- I think I was in college and he was in college.

04:22:31 19 **Q** Okay. And you were going to LC?

04:22:34 20 **A** Yup.

04:22:34 21 **Q** Tell us a little bit about Jake. What -- was he
04:22:40 22 working in 2016?

04:22:43 23 **A** Yeah. He worked as a bartender, and he also did -- he
04:22:49 24 would train people in the gym on the side.

04:22:51 25 **Q** Okay. And did he have hobbies?

04:22:54 1 **A** Yeah. He loved the gym and he loved watching movies.

04:23:01 2 He was a big movie buff.

04:23:05 3 **Q** And was he also either a weightlifter or a

04:23:08 4 bodybuilder?

04:23:08 5 **A** Yeah, he did bodybuilding. He competed in

04:23:11 6 bodybuilding shows. That was his main goal. He wanted to

04:23:14 7 be a bodybuilder.

04:23:15 8 **Q** And again, showing you Government's Exhibit 1D, can

04:23:21 9 you tell us about Government's Exhibit 1D? Who's depicted

04:23:28 10 in that photograph?

04:23:28 11 **A** That's me and Jake at his brother's wedding.

04:23:32 12 **Q** Okay. Thank you.

04:23:36 13 Were you close, the two of you?

04:23:40 14 **A** Yeah, we were very close.

04:23:41 15 **Q** Now, did you know at that time or at any time prior to

04:23:47 16 his death that he was a heroin or opiate user?

04:23:53 17 **A** No.

04:23:53 18 **Q** He kept that from you?

04:23:56 19 **A** Yes.

04:23:56 20 **Q** Do you know what Jacob's date of birth is? Do you

04:24:02 21 know his birthday?

04:24:02 22 **A** February 10th or 11th, I think.

04:24:08 23 **Q** And was he older than you? The same age as you?

04:24:11 24 **A** He is one year older.

04:24:14 25 **Q** Now, you've described that you would go places with

04:24:17 1 him and do things with him. Would you be together with him
04:24:23 2 essentially every day of the week?

04:24:24 3 **A** Yeah, pretty much, because I would work in the morning
04:24:28 4 and then I had class for about an hour, and he also worked
04:24:31 5 and then had class. And we would come home, and I would
04:24:33 6 hang out with him.

04:24:34 7 **Q** Where would you hang out with him?

04:24:39 8 **A** At his house.

04:24:41 9 **Q** Can you just describe his house for us, please?

04:24:43 10 **A** Yeah. It's just an average size house. And we would
04:24:46 11 just hang out in the basement.

04:24:47 12 **Q** I'm going to direct your attention to Government's
04:24:49 13 Exhibit 4A.

04:24:54 14 Can you describe what Government's Exhibit 4A depicts?

04:24:57 15 **A** That's where Jake lived.

04:24:58 16 **Q** Do you know the name of the street?

04:25:00 17 **A** Is it Province? Colony? I don't know. I'm not sure.

04:25:10 18 **Q** How far from where you lived?

04:25:12 19 **A** About one minute.

04:25:13 20 **Q** Okay. And you had earlier said that you would go down
04:25:18 21 to the basement and hang out. Can you describe the house?
04:25:20 22 Did Jacob have a room there?

04:25:23 23 **A** Yeah, Jacob had a bedroom upstairs.

04:25:25 24 **Q** And who lived with Jacob at that residence in March of
04:25:28 25 2016?

04:25:30 1 **A** His mother, Cindy.

04:25:32 2 **Q** Okay. Did Jacob have any siblings, brothers or

04:25:36 3 sisters?

04:25:36 4 **A** One older brother.

04:25:38 5 **Q** And what's his name?

04:25:39 6 **A** Josh.

04:25:43 7 **Q** And did Jacob's dad live there back in March of 2016?

04:25:47 8 **A** No.

04:25:54 9 **Q** Now, had you been in Jacob's room prior to March of

04:25:58 10 2016, prior to March 7 of 2016?

04:26:03 11 **A** Yes.

04:26:03 12 **Q** Upstairs?

04:26:04 13 **A** Yes.

04:26:04 14 **Q** Were you pretty much freely accepted into the house,

04:26:09 15 you could go wherever you want?

04:26:11 16 **A** Yeah.

04:26:11 17 **Q** Okay. And during times that you were in Jacob's room,

04:26:15 18 did you see any evidence of drug usage?

04:26:22 19 **A** Just of steroids.

04:26:23 20 **Q** Okay. And what do you mean by "just of steroids"?

04:26:26 21 What did you see?

04:26:26 22 **A** It would be like a couple labeled pills or a vial.

04:26:39 23 **Q** Can you describe what a vial is for the record and for

04:26:43 24 the ladies and gentlemen of the jury?

04:26:43 25 **A** It kind of looks like a little eyedrop container.

04:26:49 1 Q So did you know that Jake was using steroids?

04:26:52 2 A Yes.

04:26:53 3 Q Did he talk to you about using steroids?

04:26:55 4 A Yeah. He was very open about it. He knew his stuff.

04:26:58 5 He researched his stuff. He knew what he was doing.

04:27:01 6 Q Okay. He didn't hide that from you?

04:27:03 7 A No.

04:27:04 8 Q Okay. When you were in his room -- and I take it you
04:27:07 9 had free rein of his room and the house for that matter,
04:27:10 10 right?

04:27:10 11 A Yes.

04:27:11 12 Q You were on good terms with his mom?

04:27:12 13 A Yes.

04:27:13 14 Q Were there times that you would spend the night at the
04:27:16 15 residence?

04:27:16 16 A Almost every single night besides one.

04:27:18 17 Q And where would you stay?

04:27:20 18 A We would sleep in the basement.

04:27:21 19 Q Okay. But during that night if you wanted to go up in
04:27:23 20 his room, you could?

04:27:24 21 A Yeah. I would sometimes go up there to get a T-shirt
04:27:28 22 to wear or hoodie to wear or shorts, and I would just go
04:27:32 23 upstairs and take them.

04:27:33 24 Q At any time when you were at -- had free rein of the
04:27:35 25 house and go up to Jake's room, did you ever find any burnt

04:27:39 1 spoons that looked like someone was using heroin or abusing
04:27:43 2 opiate drugs?

04:27:44 3 **A** No.

04:27:50 4 **Q** He hid that from you?

04:27:52 5 **A** Yes.

04:27:52 6 **Q** You didn't know about that?

04:27:53 7 **A** No.

04:27:53 8 **Q** Are you a drug user?

04:27:58 9 **A** No.

04:27:58 10 **Q** Did you approve of the use of drugs?

04:28:03 11 **A** No.

04:28:03 12 **Q** Heroin, marijuana?

04:28:05 13 **A** No.

04:28:06 14 **Q** Did you tell him?

04:28:12 15 **A** No.

04:28:12 16 **Q** Did he know that? Did Jake know that you didn't
04:28:16 17 approve of those?

04:28:18 18 **A** Yes.

04:28:19 19 **Q** I want to draw your attention specifically to Jake's
04:28:21 20 state of health back in March of 2016.

04:28:25 21 Can you describe Jacob healthwise?

04:28:29 22 **A** Mostly he was pretty healthy. He'd go to the gym. He
04:28:35 23 ate very well. Yeah, he was pretty healthy.

04:28:40 24 **Q** Pretty strong, strapping young man?

04:28:42 25 **A** Very strong. We'd go to the gym together.

04:28:45 1 Q He could work out strenuously for a long period of
04:28:48 2 time?

04:28:48 3 A Yes.

04:28:48 4 Q Multiple times a day?

04:28:50 5 A Yup.

04:28:51 6 Q Healthy kid?

04:28:51 7 A Yes.

04:28:52 8 Q I want to draw your attention specifically to
04:28:57 9 something that the defense has talked about with you. I
04:29:01 10 know they talked with you.

04:29:02 11 Did they try to talk to you?

04:29:04 12 A They tried to, but I wasn't home.

04:29:07 13 Q All right. But with other witnesses they've talked
04:29:09 14 about asthma.

04:29:10 15 Did you know if Jake had asthma or not?

04:29:13 16 A Yeah.

04:29:14 17 Q Okay. During the period of time that you were with
04:29:16 18 Jake, tell us about what you observed in regards to Jake or
04:29:22 19 asthma.

04:29:23 20 Did you ever see him have an episode or have any
04:29:25 21 issues?

04:29:26 22 A No.

04:29:26 23 Q You had learned from either him or his mom that at
04:29:32 24 some point in time he had asthma?

04:29:33 25 A Yeah. He told me when he was, like, really little,

04:29:37 1 like three or four, he had an asthma attack or something.

04:29:40 2 **Q** But the period of time that you were with him, you
04:29:42 3 never saw him experience asthmatic symptoms or asthma; is
04:29:47 4 that correct?

04:29:47 5 **A** No.

04:29:47 6 **Q** So I want to draw your attention now to March 6, 2016.
04:29:59 7 Were you with Jake on that particular date?

04:30:01 8 **A** Yes.

04:30:01 9 **Q** And can you, Miss Litz, please tell us about the time
04:30:07 10 that you spent with him on that particular day.

04:30:08 11 **A** I had just gotten off work, and I --

04:30:12 12 **Q** Where were you working at that time?

04:30:13 13 **A** Panera Bread.

04:30:17 14 **Q** Do you recall what time you would have gotten off work
04:30:19 15 that day?

04:30:20 16 **A** Around 4 p.m.

04:30:21 17 **Q** Okay. And after you got off work, where did you go?

04:30:24 18 **A** I went home to shower real quick.

04:30:27 19 **Q** How long would that have taken?

04:30:28 20 **A** By the time I got done getting ready and to pick up
04:30:33 21 Jake, it would be around 5.

04:30:34 22 **Q** Okay. And what did you do then?

04:30:37 23 **A** I picked up Jake from his house, and we were going to
04:30:42 24 see a movie at Regal Cinema in Sheffield. And we went to
04:30:48 25 Giant Eagle to pick up some candy before we went to the

04:30:54 1 movie.

04:30:54 2 **Q** Let me ask you, did you drive a vehicle to pick up
04:30:57 3 Jacob?

04:30:57 4 **A** Yes.

04:30:57 5 **Q** Whose vehicle?

04:30:58 6 **A** Mine.

04:30:58 7 **Q** Okay. And did you go inside, if you know, or did you
04:31:01 8 just toot the horn and he came out? Can you tell us what
04:31:04 9 happened?

04:31:04 10 **A** He was impatient, so he was already waiting for me.

04:31:08 11 **Q** Okay. And from there did you drive or did he drive?

04:31:10 12 **A** I drove.

04:31:11 13 **Q** Whose vehicle?

04:31:12 14 **A** My car.

04:31:14 15 **Q** And where did you go?

04:31:14 16 **A** We went first to Giant Eagle by Sheffield.

04:31:17 17 **Q** Okay. And what was the purpose of going to Giant
04:31:23 18 Eagle in Sheffield?

04:31:24 19 **A** Jake wanted candy.

04:31:28 20 **Q** And after you got the candy -- I take it you got candy
04:31:31 21 at Sheffield?

04:31:31 22 **A** Yeah.

04:31:31 23 **Q** Then what occurred then?

04:31:33 24 **A** Then we went to see a movie at Regal Cinema.

04:31:38 25 **Q** And did you watch the movie?

04:31:39 1 **A** Yes.

04:31:39 2 **Q** You and Jake?

04:31:39 3 **A** Yup.

04:31:40 4 **Q** And what did you do after you left the movie?

04:31:45 5 **A** We drove back to his house and we went back in the
04:31:49 6 basement where we watched some TV.

04:31:51 7 **Q** From the point in time that you picked Jake up until
04:31:53 8 you got back to your house, so from the point in time you
04:31:55 9 picked him up, you went to get candy, you went to a movie,
04:31:58 10 and you came home, did you notice anything about Jake's
04:32:02 11 physical condition that caused you alarm or made you think
04:32:05 12 that anything was out of the ordinary?

04:32:07 13 **A** No.

04:32:08 14 **Q** Okay. Healthy?

04:32:09 15 **A** Yes.

04:32:10 16 **Q** No asthma?

04:32:11 17 **A** No asthma.

04:32:12 18 **Q** No trouble breathing?

04:32:13 19 **A** No.

04:32:13 20 **Q** So now you're back at his place in the basement and
04:32:18 21 you're watching TV downstairs?

04:32:19 22 **A** Yup.

04:32:20 23 **Q** Tell us what happens then.

04:32:21 24 **A** We're watching George Lucas, and we both nod off and
04:32:27 25 fall asleep for a little bit.

04:32:29 1 Q Okay. What happens next?

04:32:30 2 A I woke up. He was still sleeping, so I just continued
04:32:35 3 watching TV. And then I seen his phone ringing. I think it
04:32:42 4 was from Donny. But he didn't get it yet, so I just kept
04:32:46 5 watching TV because I didn't want to wake him up.

04:32:48 6 Q I have to stop you there.

04:32:49 7 Who is Donny?

04:32:50 8 A Donny is Jake's friend.

04:32:53 9 Q Do you know Donny's full name?

04:32:55 10 A Donny Buchs.

04:32:58 11 Q Okay. Did you have a phone at that time?

04:33:05 12 A Yes.

04:33:05 13 Q What kind of phone did you have?

04:33:06 14 A iPhone 5.

04:33:11 15 Q And did Jake have a phone at that time?

04:33:13 16 A Yes.

04:33:13 17 Q Did you ever call Jake on his phone? Did you ever try
04:33:16 18 to get ahold of him and contact him?

04:33:18 19 A Yes.

04:33:18 20 Q And do you recall Jake's number?

04:33:21 21 A Kind of.

04:33:25 22 Q Okay. What kind of do you recall about it?

04:33:27 23 A I think it maybe started with a 989.

04:33:36 24 Q Now, when you would try to get ahold of Jacob, was
04:33:41 25 that the number that you called him on, on that 989 number?

04:33:44 1 **A** Yeah. We would just text though.

04:33:46 2 **Q** Okay. You, like my kid, text?

04:33:50 3 **A** Yeah.

04:33:50 4 **Q** No voice?

04:33:51 5 **A** No, not really. Not usually.

04:33:52 6 **Q** All right. So you said you were down in the basement
04:33:58 7 and you noticed that his phone -- was it ringing or was it
04:34:02 8 lighting up? What was it doing?

04:34:03 9 **A** It was lighting up.

04:34:04 10 **Q** What does that mean?

04:34:05 11 **A** It just showed, like -- the lights were off because we
04:34:10 12 were watching TV, and so it kind of lit up like a little
04:34:13 13 flashlight, and it said Donny's name and that he was
04:34:17 14 calling.

04:34:17 15 **Q** All right. And at that point in time, he didn't get
04:34:18 16 that call or that text or that alert, right?

04:34:21 17 **A** Right.

04:34:22 18 **Q** What happened next?

04:34:25 19 **A** About 15 minutes later, Jake woke up and seen -- I
04:34:30 20 told him that he had a missed call. And he seen that Donny
04:34:33 21 had called him, and he called him back.

04:34:35 22 **Q** Okay. And do you know what happened after that?

04:34:39 23 **A** He said that he was going to go hang out with Donny.
04:34:42 24 I was a little upset because it was getting late. I just
04:34:45 25 wanted to hang out. And he said that he hadn't seen Donny

04:34:49 1 in a while and he wanted to hang out with Donny.

04:34:52 2 So we walked upstairs. He gave me a hug good-bye, and
04:34:59 3 he said he would text me when he got to Donny's.

04:35:02 4 **Q** Okay. Did the two of you walk out the residence?

04:35:05 5 **A** Yes.

04:35:06 6 **Q** Did you know -- do you know if you saw his mom at that
04:35:09 7 time or where his mom was?

04:35:10 8 **A** I don't think she was home at the moment.

04:35:16 9 **Q** Do you know or you don't know?

04:35:17 10 **A** I don't know.

04:35:18 11 **Q** Okay. And approximately what time would it have been
04:35:22 12 when you and Jake, Jacob or Jake, walked out of that
04:35:27 13 residence? Do you know?

04:35:28 14 **A** I don't know exactly, but it was late, so it was,
04:35:35 15 like, 9-ish, 9 p.m.

04:35:38 16 **Q** Okay. Were you keeping track of it at that time with
04:35:41 17 your watch, what time you were doing stuff?

04:35:43 18 **A** No.

04:35:43 19 **Q** Did you really have any reason to do that at that
04:35:46 20 time?

04:35:46 21 **A** No.

04:35:46 22 **Q** Did it just seem like a normal day of hanging out
04:35:50 23 with --

04:35:51 24 **A** Yeah, it was a normal day.

04:35:52 25 **Q** And if we could retrace the steps, I think you said

04:35:58 1 you picked him up at 5. You went to Sheffield.

04:36:01 2 How long does it take to get to Sheffield?

04:36:02 3 **A** From there, it was, like, 10 minutes.

04:36:06 4 **Q** Okay. Because you went to Giant Eagle first.

04:36:11 5 **A** Mm-hmm.

04:36:11 6 **Q** Then you drove from Giant Eagle to the Cobblestone

04:36:14 7 movie theater. How long does that take?

04:36:16 8 **A** Not long. It's down the street, so like 5.

04:36:20 9 **Q** Okay. Watched a movie?

04:36:21 10 **A** Yeah.

04:36:22 11 **Q** Movies are about 2 hours?

04:36:26 12 **A** Yes.

04:36:27 13 **Q** Then you had to drive back?

04:36:28 14 **A** Yes.

04:36:28 15 **Q** Then you hung out for a while?

04:36:29 16 **A** Yeah, a while.

04:36:31 17 **Q** And then that's when the second time that you noticed

04:36:35 18 that Donny was calling and Jake took the call?

04:36:39 19 **A** Yes.

04:36:40 20 **Q** So while you weren't looking at your watch, that kind

04:36:42 21 of period of time passed before you left?

04:36:44 22 **A** Yes, yup.

04:36:45 23 **Q** And was that the last time that you ever saw Jacob?

04:36:51 24 **A** Yes.

04:36:55 25 **Q** What happened next significant to you in this

04:37:00 1 particular matter?

04:37:00 2 **A** I went home. I was very tired. So I went straight to
04:37:09 3 sleep.

04:37:10 4 And the next -- when I opened my eyes, Cindy, Jake's
04:37:14 5 mom, was calling me and told me that I needed to get over to
04:37:18 6 her house because Jacob was dead.

04:37:19 7 **Q** Did you go over there?

04:37:22 8 **A** Yeah.

04:37:22 9 **Q** What was going on when you got over there?

04:37:24 10 **A** I didn't know what had happened. I thought maybe he
04:37:29 11 got in a car accident. And I walk in and Cindy is frantic
04:37:37 12 and said that Jacob's dead. And I was just confused.

04:37:42 13 **Q** Okay. Were the police there?

04:37:44 14 **A** Yes.

04:37:46 15 **Q** If you know, were the paramedics there?

04:37:49 16 **A** Yes.

04:37:52 17 **Q** How long did you stay there? Once you got there, how
04:38:00 18 long were you there for?

04:38:01 19 **A** Probably for about at least like an hour and a half.

04:38:04 20 **Q** What took place during the time period that you were
04:38:06 21 there for that hour and a half?

04:38:07 22 **A** Everyone just kept coming in, like his friend Brian,
04:38:13 23 his friend Donny. We were trying to figure out what
04:38:19 24 happened. Everyone was just really confused.

04:38:21 25 **Q** Okay. Did you at some point in time, once you got

04:38:25 1 over there, did you learn that drugs were suspected?

04:38:31 2 **A** Yeah. He had -- one of the policemen says that drugs
04:38:36 3 were there. And I said, yeah, he took steroids. But I knew
04:38:42 4 from Jake that steroids didn't do anything to him because he
04:38:46 5 knew everything about what he was taking. And I just knew
04:38:51 6 it wasn't that.

04:39:00 7 **Q** Do you know -- you mentioned Brian. What's Brian's
04:39:04 8 last name?

04:39:04 9 **A** Stoll.

04:39:05 10 **Q** Okay. Brian and Jake were friends; is that correct?

04:39:08 11 **A** Yes.

04:39:09 12 **Q** And Brian was there?

04:39:10 13 **A** Yes.

04:39:11 14 **Q** Do you know someone by the name of Harry?

04:39:14 15 **A** Yes.

04:39:15 16 **Q** And do you actually know him or you just know of him?

04:39:18 17 **A** I know him.

04:39:20 18 **Q** Have you spent time with Harry with Jake?

04:39:25 19 **A** We have hung out a little bit here and there, but they
04:39:28 20 broke off their friendship.

04:39:30 21 **Q** Okay. Something happened with them?

04:39:32 22 **A** Yes.

04:39:32 23 **Q** As far as you knew?

04:39:36 24 **A** Yes.

04:39:36 25 **Q** Okay. And do you know someone by the name of Corey

04:39:42 1 Stock?

04:39:42 2 **A** I don't know him personally.

04:39:44 3 **Q** Okay. You just heard of the name?

04:39:45 4 **A** Yes.

04:39:46 5 **Q** Okay.

04:39:50 6 MR. CORTS: If I could have a moment, Your

04:39:51 7 Honor.

04:39:51 8 THE COURT: Go ahead.

04:40:48 9 MR. CORTS: Thank you.

04:40:49 10 THE COURT: Thank you, Mr. Corts.

04:40:52 11 Mr. Bryan, cross.

04:40:54 12 CROSS-EXAMINATION

04:40:54 13 BY MR. BRYAN:

04:41:03 14 **Q** Good afternoon, Miss Litz.

04:41:07 15 **A** Good afternoon.

04:41:08 16 **Q** You indicated you were dating Jacob for about a
04:41:10 17 year --

04:41:11 18 **A** Yes.

04:41:11 19 **Q** -- prior to his passing?

04:41:13 20 Okay. And the night before he died, you guys were
04:41:17 21 together and you went to the movies, right?

04:41:19 22 **A** Yes.

04:41:20 23 **Q** And prior to going to the movies, you stopped at --
04:41:23 24 you guys stopped at the Giant Eagle in Sheffield?

04:41:24 25 **A** Yes.

04:41:25 1 Q Did you notice whether or not Jacob had talked to
04:41:28 2 anyone in the Giant Eagle other than the store clerk or --
04:41:31 3 A No. We just went in, we got candy, and we went out.
04:41:34 4 Q Okay. And he had a real sweet tooth, right?
04:41:40 5 A Yes.
04:41:41 6 Q Now, you -- Mr. Corts asked you about his asthma.
04:41:45 7 Were you aware that Jacob, did he have like a machine,
04:41:49 8 like an albuterol machine, if you recall?
04:41:54 9 A He had like a humidifier.
04:41:56 10 Q Yeah, like where he would breathe in like medicine?
04:42:00 11 A Yeah.
04:42:01 12 Q Okay. Was he using that at the time that he was
04:42:03 13 dating you?
04:42:04 14 A Not that I recall.
04:42:05 15 Q Okay. But you did see it.
04:42:11 16 Was the machine in his room or where did he keep the
04:42:13 17 machine?
04:42:13 18 A It was in his closet.
04:42:14 19 Q It was in his closet? Okay.
04:42:16 20 And did he explain to you what that was for?
04:42:18 21 A Yeah.
04:42:19 22 Q Okay. And Jacob -- other than him using steroids, he
04:42:24 23 was able to keep all of his other drug use from you?
04:42:27 24 A Yeah.
04:42:30 25 Q Okay. Now, you didn't want him to go over to Donny

04:42:34 1 Buchs' house that night, correct?

04:42:35 2 **A** Right.

04:42:36 3 **Q** But he said he hadn't seen him in a while and he

04:42:38 4 didn't want to --

04:42:39 5 **A** Yeah.

04:42:39 6 **Q** Okay. Did you know Jake to smoke marijuana with Donny

04:42:43 7 Buchs?

04:42:44 8 **A** Yeah. He knew I didn't like that, so --

04:42:47 9 **Q** Okay. Do you know if he used anything else with Donny

04:42:49 10 Buchs?

04:42:50 11 **A** No.

04:42:50 12 **Q** Okay. Now, when you -- you went home and you went to

04:43:05 13 sleep, and then tragically you were awakened to Jake's

04:43:10 14 mother's telephone call. Right?

04:43:12 15 **A** Yeah.

04:43:12 16 **Q** Okay. And she asked you to come to the home. In

04:43:14 17 fact, law enforcement officers were already there, correct?

04:43:16 18 **A** Yes.

04:43:16 19 **Q** And what they were doing is they were trying to

04:43:19 20 retrace Jacob's steps from the night before, right?

04:43:23 21 **A** Right.

04:43:23 22 **Q** Okay. And do you recall, were you all, like, sitting

04:43:27 23 in the living room together?

04:43:28 24 **A** We were in the kitchen.

04:43:28 25 **Q** In the kitchen together?

04:43:29 1 **A** Yes.

04:43:30 2 **Q** And then law enforcement officers were questioning you
04:43:33 3 guys all at one time?

04:43:35 4 **A** He -- the one law officer pulled me in the family room
04:43:39 5 and asked me some questions.

04:43:40 6 **Q** Okay. So -- he was pulling you out of the room then
04:43:44 7 to ask you questions?

04:43:44 8 **A** Yes.

04:43:44 9 **Q** And do you know if he did that with the others that
04:43:46 10 were there as well?

04:43:47 11 **A** Yes.

04:43:47 12 **Q** And do you know, was Donny Buchs there at that time,
04:43:52 13 or did he come a little bit later?

04:43:53 14 **A** He came a little bit later.

04:43:54 15 **Q** Okay. Do you know if law enforcement actually went to
04:43:59 16 his home to bring him?

04:44:01 17 **A** Yes, because he wasn't answering his phone. He was
04:44:03 18 sleeping.

04:44:04 19 **Q** Okay. And so he came back.

04:44:05 20 And then Brian Stoll, he appeared I guess voluntarily.
04:44:08 21 Correct?

04:44:09 22 **A** Yeah, Brian came a little bit after me.

04:44:11 23 **Q** Okay. And Brian was one -- probably Jake's best
04:44:17 24 friend, right?

04:44:18 25 **A** Yeah.

04:44:18 1 Q And they lifted weights together?

04:44:19 2 A Yes.

04:44:20 3 Q Okay. And you knew Harry, but at the time they had
04:44:26 4 had a falling out?

04:44:27 5 A Right.

04:44:27 6 Q Okay. How long before that had they had this falling
04:44:30 7 out?

04:44:30 8 A Probably months, about five months, I guess.

04:44:38 9 Q Okay. So for that five -- that previous five months,
04:44:41 10 were you aware that Jake was hanging out with Harry at all?

04:44:45 11 A I was not aware.

04:44:47 12 Q Okay. Before Jake and Harry stopped hanging out with
04:44:51 13 one another, did you -- you said you were with Harry on
04:44:55 14 occasion with Jake?

04:44:56 15 A That was before they had the falling out.

04:44:59 16 Q Okay. And he's older than you guys, correct?

04:45:02 17 A Right.

04:45:03 18 Q But he went to the same high school as well?

04:45:05 19 A Yes.

04:45:05 20 Q Okay. You said you had an iPhone 5. Do you remember
04:45:14 21 what kind of iPhone Jacob had?

04:45:16 22 A I believe he had the iPhone 6.

04:45:18 23 Q He had the 6? Okay.

04:45:19 24 Now, do you recall a time when you were sitting at
04:45:26 25 Jake's home in the morning and people noticed that Jake was

04:45:33 1 receiving a bunch of telephone calls from Harry?

04:45:35 2 **A** Did I know that he was getting --

04:45:36 3 **Q** I mean, what -- in your presence, did anyone -- did
04:45:41 4 they have Jake's phone or was law enforcement or did anyone
04:45:44 5 have possession of Jake's phone?

04:45:45 6 **A** Law enforcement had possession of his phone.

04:45:47 7 **Q** Okay. And were they looking at his phone and seeing
04:45:50 8 that he had received a lot of missed calls from somebody?

04:45:53 9 **A** Yes.

04:45:54 10 **Q** And that person was Harry?

04:45:56 11 **A** Yes.

04:45:56 12 **Q** Okay. Do you recall law enforcement directing Brian
04:46:00 13 Stoll to reach out to Harry or something like that?

04:46:06 14 **A** I don't remember.

04:46:07 15 **Q** Okay. Do you recall whether or not law enforcement
04:46:09 16 actually spoke to Harry on the telephone at least in your
04:46:13 17 presence that morning?

04:46:16 18 **A** I did not see them on the phone with Harry.

04:46:22 19 **Q** Okay.

04:46:25 20 MR. BRYAN: I have nothing further, Your
04:46:26 21 Honor.

04:46:26 22 Thank you, Miss Litz. And I'm sorry for your loss.

04:46:30 23 THE WITNESS: Thank you.

04:46:30 24 THE COURT: Thank you, Mr. Bryan.

04:46:33 25 Mr. Corts, anything?

04:46:34 1 MR. CORTS: Just following up on one of the
04:46:36 2 questions.

04:46:37 3 THE COURT: Go ahead.

04:46:38 4 REDIRECT EXAMINATION

04:46:38 5 BY MR. CORTS:

04:46:39 6 Q About this iPhone 5, iPhone 6. You had a phone,
04:46:43 7 correct?

04:46:43 8 A Right.

04:46:44 9 Q And Jake had a phone?

04:46:45 10 A Right.

04:46:45 11 Q Now, when you wanted to get ahold of Jake, it would
04:46:49 12 be -- would you get ahold of him with the phone?

04:46:52 13 A Correct.

04:46:53 14 Q Would you Facebook with him to get ahold of him or did
04:46:55 15 you call him on the phone?

04:46:56 16 A No. We'd use the phone.

04:46:58 17 Q Did you communicate with him by Instagram?

04:47:00 18 A No.

04:47:00 19 Q You would call him on the phone?

04:47:03 20 A Right.

04:47:03 21 MR. CORTS: Okay. Nothing further, Your
04:47:11 22 Honor.

04:47:11 23 THE COURT: Mr. Bryan, anything?

04:47:12 24 MR. BRYAN: Nothing further.

04:47:13 25 THE COURT: Ladies and gentlemen, any

04:47:14 1 questions before Miss Litz steps down? Any questions?

04:47:18 2 Okay. Miss Litz, thank you very much. You can step
04:47:20 3 down.

04:47:22 4 I'll see counsel real quick, please.

04:47:24 5 (At Side Bar.)

04:47:29 6 MR. BRYAN: Judge, Darin and I were talking
04:47:31 7 because I don't know if you told the jury at the beginning
04:47:35 8 of the case that you actually allowed them to ask questions.

04:47:39 9 THE COURT: I did. I went through the whole
04:47:40 10 thing with them. We're good.

04:47:40 11 (Discussion off the record.)

04:47:52 12 THE COURT: So tomorrow morning, Rob, we have?

04:47:55 13 MR. CORTS: Donny Buchs, mom, the paramedic,
04:47:58 14 Kovach, and Sivert. And we've --

04:48:01 15 THE COURT: Sivert's going to take a while.

04:48:03 16 MR. CORTS: We have to get Sivert on and off
04:48:05 17 because he's got --

04:48:05 18 THE COURT: Tomorrow?

04:48:07 19 MR. CORTS: Yeah, I mean, I think we can do it.

04:48:08 20 THE COURT: All right. We'll see how much we
04:48:09 21 get done in the morning.

04:48:10 22 MR. CORTS: Even if we call him out of
04:48:11 23 order -- we can call him out of order.

04:48:14 24 THE COURT: It's up to you guys.

04:48:14 25 MR. KATSAROS: The medical evidence we have

04:48:14 1 will take a while.

04:48:22 2 MR. CORTS: We'll see. I don't know.

04:48:22 3 MR. KATSAROS: I'd just like to get Shanks off
04:48:24 4 because he's flying in.

04:48:25 5 MR. CORTS: Well, we can't put two at a time.

04:48:27 6 MR. KATSAROS: I know.

04:48:27 7 THE COURT: Okay. We'll start tomorrow
04:48:29 8 morning. Thanks, guys.

04:48:36 9 MR. CORTS: Thank you, Judge.

04:48:36 10 (In Open Court.)

04:48:37 11 THE COURT: Time to go home, ladies and
04:48:38 12 gentlemen. Please report to the jury room tomorrow morning
04:48:40 13 at 8:30.

04:48:44 14 THE DEPUTY CLERK: Lower level.

04:48:45 15 THE COURT: Yeah, downstairs jury room at
04:48:47 16 8:30. And we'll call you up at 8:30 and get going around
04:48:52 17 9-ish or so, and we'll take it from there.

04:48:54 18 Have a good evening.

04:48:59 19 (The jury was excused for the day.)

04:49:38 20 THE COURT: We're excused for the day, ladies
04:49:41 21 and gentlemen.

04:49:43 22 (Proceedings adjourned at 4:49 p.m.)

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23 **C E R T I F I C A T E**

24 I certify that the foregoing is a correct transcript
25 of the record of proceedings in the above-entitled matter
prepared from my stenotype notes.

/s/ Lance A. Boardman 06/07/2018
Lance A. Boardman, RDR, CRR DATE